



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
April 11, 2006

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports Requests
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business and Commission
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Proclamation To Be Presented To Pat Schneider, Assistant Police Chief, On Her Retirement From The City Of Miami Beach. (Page 2)
(Requested by Commissioner Simon Cruz)
- PA2 Proclamation Declaring April "National Donate Life Month" In The City Of Miami Beach.
(City Manager's Office)
- PA3 Certificate Of Appreciation To Be Presented To Bunny Patchen For Many Years Of Service To The City Of Miami Beach And For Serving On The Marine Authority.
(Requested by Commissioner Richard L. Steinberg)
- PA4 Certificate Of Appreciation To Be Presented To Mr. Randolph Gumenick For His Donation To Help The Miami Beach Police Department Purchase A Universal Pet Scanner.
(Requested by Commissioner Richard L. Steinberg)
- PA5 Presentation Of The Employee Special City Awards For Safety Award, Joe Mcmanus; Customer Service, Kerry Hernandez; Beyond The Call Of Duty, Gus Sanchez; Community Service, Lori Freedline; And City Achievement, Saul Frances, Presented By The Mayor And City Commission And Personnel Board Members.
(Human Resources)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Proposals (RFP) For The Management And Operation Of: 1) Green (Farmers) Market On Lincoln Road; 2) Street Market On Espanola Way; 3) Street Market In Normandy Village; And 4) Antique And Collectibles Market On Lincoln Road; And Approve The Extensions Of The Aforementioned Agreements On A Month-To-Month Basis, Not To Exceed Six (6) Months, Or Until Such Time That New Agreements Are Awarded, Which Ever Occurs First.
(Page 5)
(Asset Management)
- C2B Request For Approval To Extend The Contract With The Kitchen, Formerly Tm Systems, Llc., For Spanish Language Translation And Subtitling Services At An Estimated Cost Not To Exceed \$100,000 For FY 2005/2006 Until The New Translation Service Can Be Fully Tested. (Page 16)
(City Clerk's Office)

C2 - Competitive Bid Reports (Continued)

- C2C Request For Approval To Purchase One (1) John Deere 410G Backhoe From Nortrax Equipment Company, Pursuant To Federal General Services Administration Contract No. GS-30F-1021D, In The Amount Of \$72,814.43. (Page 19)
(Fleet Management)
- C2D Request For Approval To Purchase One (1) Tennant ATLV4300 Litter Vacuum From Tennant Sales And Service Company, Pursuant To Federal General Services Administration Contract No. GS-30F-1020D, In The Amount Of \$29,869.74. (Page 22)
(Fleet Management)
- C2E Request For Approval To Purchase One (1) Bobcat 5600 Work Machine With Attachments From Kipper Tools, Pursuant To Federal General Services Administration Contract No. GS-06F-0018L, In The Amount Of \$33,838.97. (Page 25)
(Fleet Management)
- C2F Request For Approval To Purchase Forty (40) Public Safety Equipment Packages For Police Pursuit Vehicles, From Duval Ford, Pursuant To Florida State Contract No. 04-12-0823, In The Amount Of \$135,331.00. (Page 30)
(Fleet Management)
- C2G Request For Approval To Issue A Request For Proposals (RFP) For Landscape Ground Maintenance And Litter Control Services For All Green Areas Associated With The City's (61) Parking Lots And (5) Garages. (Page 33)
(Parking Department)
- C2H Request For Approval To Award A Contract To Franmar Corporation, Pursuant To Invitation To Bid No. 10-05/06, For The Rental Of Eight (8) 65-Passenger School Buses With Driver For The City's Summer Programs, In The Annual Amount Of \$84,960. (Page 38)
(Parks & Recreation)
- C2I Request For Approval To Issue A Request For Proposals (RFP) For Complete Turf Mowing Services At All Non-Contracted Sites Citywide. (Page 41)
(Parks & Recreation)
- C2J Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Emergency Disaster Debris Monitoring Services For The City Of Miami Beach. (Page 50)
(Procurement)
- C2K Request For Approval To Issue A Request For Proposals (RFP) To Provide Professional Food And Beverage Facilities Management Services For The Miami Beach Convention Center; With An Option To Manage Food And Beverage Services At Other City Cultural Facilities, If Deemed To Be In The City's Best Interest. (Page 53)
(Tourism & Cultural Development)

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Placing A Charter Amendment On The November Ballot To Allocate Funds To Public Education.
(Page 69)
(Requested by Commissioner Richard L. Steinberg)
- C4B Referral To The Land Use And Development Committee - Discussion Regarding The 90-Day Time Period When Zoning In Progress Starts After A Positive Recommendation From The Planning Board And The Schedule Of The City Commission Meetings. (Page 71)
(Planning Department)
- C4C Referral To The Neighborhoods/Community Affairs Committee - Marine Authority Board Motion That A Temporary Facility Be Established Near Island View Park To Accommodate As Many Vessels As Possible. (Page 73)
(Neighborhood Services)
- C4D Referral To The Land Use And Development Committee - Historic Preservation Board Resolution Pertaining To The Transfer Of Development Rights (TDR'S). (Page 77)
(Planning Department)
- C4E Referral To The Planning Board - Make Existing Miami Beach Gas Stations Legally Conforming And To Establish A Conditional Use Process Regarding Installation Of Generators. (Page 79)
(Requested by Vice-Mayor Saul Gross)
- C4F Referral To The Land Use And Development Committee - Discussion Regarding The .5 FAR Bonus In Existing Zoning Code For Mixed Use Developments. (Page 81)
(Requested by Vice-Mayor Saul Gross)
- C4G Referral To The Planning Board - Proposal To Limit (To Three Or Four), The Number Of Lots That Can Be Aggregated In One Development Site. (Page 83)
(Requested by Vice-Mayor Saul Gross)
- C4H Referral To The Planning Board - Lowering Of Heights In The Abutting CD-1 And CD-2 Districts From 50 Feet To 40 Feet. (Page 85)
(Requested by Vice-Mayor Saul Gross)

C6 - Commission Committee Reports

- C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On February 22, 2006: **1)** Discussion Regarding The Issuance Of A New Request For Proposals For The Management And Operation Of 1. Green (Farmers) Market On Lincoln Road; 2. Street Market On Espanola Way; 3. Street Market In Normandy Village; And 4. Antique And Collectibles Market On Lincoln Road; **2)** Discussion Regarding Lincoln Road Pressure Cleaning; **3)** Discussion Regarding Allowing Dogs To Use The Beach For Swimming, North Of The South Pointe Pier; And **4)** Discussion Regarding The Pilot Program To Allow Dogs On The Beachwalk. (Page 88)
- C6B Report Of The Neighborhoods/Community Affairs Committee Meeting On March 22, 2006: **1)** Discussion Regarding Amending City Code For The Purposes Of Expanding The Types Of Transactions In Which The City Must Provide Notice Of Its Campaign Finance Laws; **2)** Discussion Regarding The "Drift" By The Artist Inigo Manglano-Ovalle To Be Commissioned For Placement In South Pointe Park, As Recommended By The Art In Public Places Committee; And **3)** Discussion Regarding The Location Of Lifeguard Stands On The Most Crowded Portions Of Our Beaches. (Page 102)
- C6C Report Of The Finance And Citywide Projects Committee Meeting On March 23, 2006: **1)** Discussion Regarding Domestic Partner Benefits Coverage Termination - Miami Beach Fraternal Order Of Police Health Trust/Fire Fighters Insurance Trust; **2)** Discussion Regarding Exercising The Renewal Term Of The City's Agreement With SMG For The Management And Operation Of The Miami Beach Convention Center, The Jackie Gleason Theater Of The Performing Arts, Colony Theater, Byron Carlyle Theater, And Little Stage Theater; **3)** Discussion Regarding The Issuance Of A Request For Proposals For The Management And Operation Of Professional Food And Beverage Service For The Miami Beach Convention Center, With An Option To Manage Food And Beverage Services At Other City Cultural Facilities, If Deemed To Be In The City's Best Interest; **4)** Discussion Regarding The Normandy Park And Pool Project; And **5)** Discussion Regarding Mount Sinai Medical Center Request For Hurricane Mitigation Funding. (Page 114)

C7 - Resolutions

- C7A A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By The Miami Design Preservation League And By Affected Persons Pertaining To DRB File No. 18871. (Page 121)
(City Clerk's Office)
- C7B A Resolution Consenting To The Appointment Of Gladys Acosta As Information Technology Director. (Page 134)
(City Manager's Office)

C7 - Resolutions (Continued)

- C7C A Resolution Authorizing The City Manager Or His Designee To Submit The Following Grant Funding Requests: 1) Grant Application To The Miami-Dade County Homeless Trust For Funding In An Amount Not To Exceed \$64,000 For Funding From The 2006 HUD Super NOFA For Homeless Outreach And Placement Activities; And 2) Grant Application To The Children's Trust, Service Partnership Program For Funding, In An Amount Not To Exceed \$400,000 For The Planning Phase And Pilot Program Of A Service Partnership To Serve Youth Ages 13-18 Years; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application. (Page 141)
(Grants Management)
- C7D A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) For Their Annual Plan For Fiscal Year 2006, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD). (Page 146)
(Neighborhood Services)
- C7E A Resolution Authorizing The City Manager To Issue A Certificate Of Consistency With The City's Consolidated Plan To The City's Neighborhood Services Department Office Of Homeless Coordination To Utilize Funds From U.S. Department Of Housing And Urban Development (HUD) To Provide Outreach And Case Management Services To Homeless Individuals In Miami Beach. (Page 191)
(Neighborhood Services)
- C7F A Resolution Establishing April 2006 As "Fair Housing Month" In The City Of Miami Beach. (Page 196)
(Neighborhood Services)
- C7G A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Home Investment Partnerships (Home) Program Agreement With The Miami Beach Community Development Corporation (MBCDC), Providing \$300,000 Of Fiscal Year 2004/05 Home Program Set Aside Funds, For The Rehabilitation Of The Westchester Apartments, Located At 516 15th Street, Miami Beach, To Provide 24 Rental Units For Income - Eligible Participants In Accordance With The Home Program Requirements; Further, Approving A One -Time Only Assignment Of This Agreement To MBCDC: Westchester Apartments, LLC, A Not-For-Profit Entity Created By MBCDC As A Successor In Interest In Title To The Property Located At 516 15th Street, And Under This Agreement. (Page 199)
(Neighborhood Services)
- C7H A Resolution Approving An Interlocal Agreement With Miami-Dade County For A Computerized Parking Ticket Issuing System, And Authorizing The Mayor And City Clerk To Execute The Agreement. (Page 206)
(Parking Department)

C7 - Resolutions (Continued)

- C7I A Resolution Declaring The Existence Of A Parking Emergency With Respect To Increased Traffic And Parking Demand On The Following Respective Dates For The Following Respective Events; October 6-15, 2006 For The South Florida Auto Show; December 6-10, 2006 For Art Basel; December 31, 2006 - January 1, 2007 For New Year's Eve Event; January 4-8, 2007 For Art Miami; January 12-14, 2007 For Art Deco Weekend; January 26-28, 2007 For Graphics Of The Americas; January 29 - February 4, 2007 For Superbowl Weekend; February 15-19, 2007 For The NMMA Miami International Boat Show; May 24-28, 2007 For Memorial Day Weekend; And August 31 - September 3, 2007 For Labor Day Weekend; Allowing For The Use Of Specified Vacant Surface Lots Citywide. (Page 211)
(Parking Department)
- C7J A Resolution Authorizing The Mayor And The City Clerk To Accept The Donation Of \$250 From Randy Gumenic, A Miami Beach Resident, For The Purchase Of A Handheld Universal Microchip Scanner For The Miami Beach Police Department, Which Will Be Utilized To Reunite Lost And Stolen Pets With Their Owners. (Page 216)
(Police Department)
(Deferred from March 8, 2006)
- C7K A Resolution Accepting The Donation Of A Mobile Video System To Include A Video Camera, Monitor And Cassette Recorder; A Total Value Of \$15,000 To The Miami Beach Police Department, From Mr. Lewis S. Nadel; This Equipment Will Be Utilized For Criminal Investigations Requiring Covert Surveillance In An Effort To Reduce Crime. (Page 219)
(Police Department)
- C7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 08-05/06, For Professional Architectural And Engineering Services For Design, Permitting And Construction Management Of The Atlantic Greenway Network "Beachwalk II" Project, For The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Coastal Systems International, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of BEA International; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Behar-Ybarra & Associates Of Florida, Inc. (Page 222)
(Public Works)
- C7M A Resolution Opposing House Bill 1199 And The Proposed Elimination Of Local Cable Franchises; Further Opposing House Joint Resolution 7247 Proposing Amendments To The State Constitution To Limit The Expenditures Of Counties And Municipalities. (Page 231)
(Economic Development)

C7 - Resolutions (Continued)

- C7N A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Agreement Between City Of Miami Beach, Florida And Bay Lights Development, Co. For Rue Granville Seawall Replacement, Subject To Final Approval By The City Manager And City Attorney, And Authorizing The City Manager And City Attorney To Take Such Actions As May Be Necessary To Carry Out The Intent Hereof. (Page 236)

(Public Works)

End of Consent Agenda

Presentations and Awards

- PA1 Proclamation To Be Presented To Pat Schneider, Assistant Police Chief, On Her Retirement From The City Of Miami Beach.
(Requested by Commissioner Simon Cruz)
- PA2 Proclamation Declaring April "National Donate Life Month" In The City Of Miami Beach.
(City Manager's Office)
- PA3 Certificate Of Appreciation To Be Presented To Bunny Patchen For Many Years Of Service To The City Of Miami Beach And For Serving On The Marine Authority.
(Requested by Commissioner Richard L. Steinberg)
- PA4 Certificate Of Appreciation To Be Presented To Mr. Randolph Gumenick For His Donation To Help The Miami Beach Police Department Purchase A Universal Pet Scanner.
(Requested by Commissioner Richard L. Steinberg)
- PA5 Presentation Of The Employee Special City Awards For Safety Award, Joe Mcmanus; Customer Service, Kerry Hernandez; Beyond The Call Of Duty, Gus Sanchez; Community Service, Lori Freedline; And City Achievement, Saul Frances, Presented By The Mayor And City Commission And Personnel Board Members.
(Human Resources)

AGENDA ITEM PA1-5
DATE 4-11-06

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

Request Approval To Issue a Request for Proposals (RFP) for the Management and Operations of the "Markets"; and Approve the Extension of Existing Agreements.

Key Intended Outcome Supported:

To increase satisfaction with neighborhood character.

Issue:

Shall the City Commission approve the City Manager's recommendation?

Item Summary/Recommendation:

On January 11, 2006, the Mayor and City Commission referred the issuance of an RFP to the Neighborhoods/Community Affairs Committee (the "Committee") for discussion. On February 22, 2006, the Committee discussed the issuance of the RFP. The Committee recommended the issuance of an RFP, and also recommended the extension, on a month-to-month basis, for the "Market Agreements" that are scheduled to expire at the end of April, 2006, until the new contracts are awarded.

Specific factors will be applied to proposal information to assist the City in its task of selecting the most-qualified candidate or candidates for this RFP. An Evaluation Committee appointed by the City Manager will evaluate proposals. Oral presentations may be required of all Proposers. The evaluation criteria to be considered in the evaluation of proposals are listed below:

- A) Financial: (percentage = 30%)
- B) Experience and qualifications: (percentage = 35%)
- C) Methodology and Approach: (percentage = 20%)
- D) Past Performance Based on Client Surveys (percentage = 15%)

Accept the City Manager's Recommendation and Authorize issuance of an RFP.

Advisory Board Recommendation:

Neighborhoods / Community Affairs Committee recommended the issuance of an RFP, and extension of existing contracts on a month-to-month basis.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			



OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL  RR _____	TH _____	JMG  _____

T:\AGENDA\2006\apr1106\consent\MarketsSUMMARY.doc



MIAMI BEACH

AGENDA ITEM C2A
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JME [Signature]

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR THE MANAGEMENT AND OPERATION OF: 1) GREEN (FARMERS) MARKET ON LINCOLN ROAD; 2) STREET MARKET ON ESPANOLA WAY; 3) STREET MARKET IN NORMANDY VILLAGE; AND 4) ANTIQUE AND COLLECTIBLES MARKET ON LINCOLN ROAD; AND APPROVE THE EXTENSIONS OF THE AFOREMENTIONED AGREEMENTS ON A MONTH-TO-MONTH BASIS, NOT TO EXCEED SIX (6) MONTHS, OR UNTIL SUCH TIME THAT NEW AGREEMENTS ARE AWARDED, WHICHEVER OCCURS FIRST.**

ADMINISTRATION RECOMMENDATION

Authorize the issuance of an RFP, and approve the extension of existing agreements.

KEY INTENDED OUTCOME SUPPORTED

To increase satisfaction with neighborhood character.

ANALYSIS

The Mayor and City Commission, at its March 17, 2004 meeting, adopted the following Resolutions, approving Concession Agreements (one year term, plus a one year option) for open-air markets on certain City public right-of-ways, after conclusion of a public and competitive RFP process:

- (1) Resolution No. 2004-25527
 - Espanola Way (Arts & Crafts) Street Market
 - Operator: The Market Company, Inc.
 - Term: April 1, 2004 through March 31, 2006
- (2) Resolution No. 2004-25528
 - Market: Lincoln Road Green (Farmers) Market
 - Operator: The Market Company, Inc.
 - Term: April 1, 2004 through March 31, 2006
- (3) Resolution No. 2004-25529
 - Market: Normandy Village Street Market
 - Operator: The Market Company, Inc.
 - Term: April 1, 2004 through March 31, 2006

ANALYSIS (Continued)

Additionally, the Mayor and City Commission adopted at its September 8, 2004 meeting, Resolution No. 2004-25682, which is summarized as follows:

- Market: Lincoln Road Antiques and Collectibles Market*
- Operator: Production Sud, Inc.
- Term: October 1, 2004 through September 30, 2006
(*Market only operates during "season" October 1st through May 31st)

Each of the above noted markets (collectively referred to as "Markets") were originally authorized via City Special Event permits and were intended to provide a vehicle by which to attract patrons to the respective rights-of-way and neighboring merchant areas in order to facilitate with the commercial revitalization of said areas. In 2002, it was determined that the most appropriate manner in which to continue operating these Markets would be through this RFP process

As originally envisioned, during the RFP process and negotiation process, the Markets concept was moved forward and approved with the caveat that local merchants would not be adversely impacted by said markets operations. As such, a conflict resolution process was included in all market agreements, in order to provide aggrieved parties a method by which to request relief.

The City's records indicate that over the past two years the following scenarios have been observed:

- Merchants are divided between those which support the continuation of the Markets as is, and those that would prefer that the Markets be abolished and/or relocated.
- Some merchants have initiated petitions and letters in support of the Markets, while some merchants have initiated petitions and letters calling for the discontinuation of the Markets.
- Two formal conflict resolution procedures between merchants and market operators were initiated and have since been resolved. One in Normandy and one on Espanola Way.
- A merchant initiated a lawsuit against a Market Operator and the City in an effort to have the Espanola Way Market discontinued or reduced in scope.
- Time consumed in the administration of the Market contracts is significant when compared to the actual direct financial returns to the City.
- Market Operators should be required to be physically present and actively involved in the management and monitoring of the Markets at all times during market days, including sanitation and individual vendor location control.
- Certain items being offered for sale at the Markets are not in keeping with the City's original concept and authorized list of items for sale. City staff has received complaints and has documented that some items for sale are nonconforming with the "theme" for the respective Markets (i.e. it has been asserted that: 1) certain items for sale at the Antique & Collectibles Market are neither antiques, collectibles nor vintage goods; 2) certain

ANALYSIS (Continued)

items for sale at the Farmers/Green Market are not food items, plants, or cut flowers; and 3) certain items for sale at the Arts & Crafts Market are not hand-made, but commercially mass produced.

In preparing the attached Scope of Services the Administration considered and evaluated the following issues:

- Are there alternate locations that should be considered for the Markets?
 - In the past there have been discussions about possibly initiating programs in the area of Collins Avenue and 72nd & 73rd Streets, Ocean Terrace, or other alternate locations.
 - Additionally, the City has identified the Collins Park area as a neighborhood that is experiencing a significant lack of business providing neighborhood goods and services. An activity generator, such as a farmers market, can serve to increase consumer traffic to this type of area resulting in a better market position for the recruitment of permanent retail uses to serve the areas increasing resident and visitor population.
 - Add alternate will be provided in this RFP to allow for additional market locations.
- What type of market(s) and/or product mix (associated therewith) should there be?
 - Market type and product mix should be clearly delineated with no miscellaneous categories, with the City retaining the right to approve changes to said product mix. The current agreement for Farmers Market on Lincoln Road and the Street Markets on Espanola Way and Normandy provide for some limited flexibility regarding miscellaneous items associated with the respective market themes and category of items allowed to be offered for sale. There has been disagreement between the City and the respective market operator as to what should be permitted within these miscellaneous categories. Some of these items include, but are not limited to live turtles, prepackaged shrimp and crab claws, vegetarian meat substitutes, scented crystals, soaps, fountains, air purifiers, plastic flowers, and wine have been offered for sale.
- What process should be used to manage and operate these Markets?
 - Have the market operator assist with and/or provide the contract administration after a competitively bid process.
 - Require that all and/or a significant number of adjacent Property owners approve the market programs and require that all of their respective tenants agree to same in writing.
 - That month-to-month extensions be authorized for those Concession Agreements that are scheduled to expire, until such time as the applicable RFP(s) is/are awarded.

On January 11, 2006, the Mayor and City Commission referred the Markets to the Neighborhoods/Community Affairs Committee for discussion.

On February 22, 2006, the Neighborhoods / Community Affairs Committee (the Committee") discussed the issuance of the RFP. The Committee recommended the

issuance of an RFP, and an extension, on a month-to-month basis, the Market Agreements that are scheduled to expire at the end of April, 2006, until the new contracts are awarded.

SCOPE OF SERVICES

The Scope of Services and Evaluation Criteria relative to the Markets are attached.

EVALUATION CRITERIA

Specific factors will be applied to proposal information to assist the City in its task of selecting the most-qualified candidate or candidates for this RFP. An Evaluation Committee appointed by the City Manager will evaluate proposals. Oral presentations may be required of all Proposers. The evaluation criteria to be considered in the evaluation of proposals are listed below:

- A) Financial: (percentage = 30%)
 - Financial capability to perform the services outlined in the RFP, and
 - Proposed minimum guaranteed revenue or percentage of gross sales to the City.
- B) Experience and qualifications: (percentage = 35%)
 - Experience and qualifications of the Proposer;
 - Management team's experience and qualifications; and
 - Past performance.
- C) Methodology and Approach: (percentage = 20%)
 - Methodology and approach relative to ensuring successful "Markets";
 - Risk Assessment Plan(s); and
 - Customer Service Plan(s).
- D) Past Performance Based on Client Surveys (percentage = 15%)
 - Volume and quality of surveys submitted by clients.

TERMS OF AGREEMENT

Any or all Agreements entered into the by City, will be for a period of two (2) years with the sole option and discretion of the City, to renew for an additional three (3), one-year periods.

CONCLUSION

The Administration recommends that the City Commission authorize the approval to issue the Request for Proposals (RFP) for the Management and Operation of: 1) Green (Farmers) Market on Lincoln Road; 2) Street Market on Espanola Way; 3) Street Market in Normandy Village; and 4) Antique and Collectibles Market On Lincoln Road; and Approve the Extensions of the Aforementioned Agreements on a Month-to-Month Basis, Not to Exceed Six (6) Months, or Until Such Time that New Agreements are Awarded, Whichever Occurs First.

ATTACHMENT A

SCOPE OF SERVICES

The City will grant to the successful proposer, the exclusive right, during the Term of this Agreement, to operate a concession for an open air street market, as described herein, in the following area(s) (hereinafter referred to collectively as the "Concession Area"):

Espanola Way Street Markets

- Area 1. Espanola Way
- Area 2. Drexel Avenue

The successful proposer will be authorized to conduct the following kind(s) of business (es) within the Concession Area, as provided below, all at its sole cost and expense:

Operate and manage an open air street market, commonly known and referred to herein as the "Espanola Way Street Market" (the Market), which shall provide a venue for vendors to sell and/or provide the following:

- a) Arts and crafts merchandise;
- b) Plants and cut flowers;
- c) Fruits, vegetables, and other edible products and related food items; and
- d) Live entertainment (non-amplified).

This shall also generally include the rental of booths, tents, tables, signs or space(s). The City will approve the rental of the aforementioned facilities, and the prices for same.

SCHEDULE OF OPERATION

Successful proposer's operations shall be open on the Concession Area, in accordance with the schedule outlined below, weather or events of force majeure permitting.

<u>Day(s) of Operation:</u> Fridays, Saturdays and Sundays only		
<u>Operating Hours:</u>		
<u>Friday:</u>	Set-Up:	5:00 PM to 7:00 PM
	Market Hours:	7:00 PM to 12:00 AM
	Move-Out:	12:00 AM to 1:00 AM
<u>Saturday:</u>	Set-Up:	8:00 AM to 10:00 AM
	Market Hours:	10:00 AM to 12:00 AM
	Move-Out:	12:00 AM to 1:00 AM
<u>Sunday:</u>	Set-Up:	9:00 AM to 11:00 AM
	Market Hours:	11:00 AM to 9:00 PM
	Move-Out:	9:00 PM to 10:00 PM

Any change in the days or hours of operation require the prior written consent of the City Manager including, but not limited to, change in the days and hours of operation requested pursuant to the Agreement.

Interaction and Coordination with Other Espanola Way Operations and Events:

Successful proposer will agree and understand that there are other businesses, establishments, operations and events which are ongoing, or may occur from time to time within or in close proximity to, the Concession Area. As such, successful proposer agrees that it will use its best

efforts to cooperate and coordinate with said businesses, establishments, operations and events so as to minimize the impact to the respective parties.

Lincoln Road Street Markets

Area 1. Lenox Avenue to Drexel Avenue.

Area 2. Drexel Avenue to Washington Avenue.

Successful proposer is subject to the following conditions:

- a) The Lincoln Road Antiques and Collectibles Market shall have first priority use of the portion of the Concession Area, as defined in this Paragraph, during such times as said Antiques and Collectibles Market is operating.
- b) Successful proposer shall only be permitted to utilize the portion of the Concession Area described herein, for as long as Successful proposer maintains the following longstanding vendors in said area:
 - 1) Ivan Comas
 - 2) Susana Garciga
 - 3) Emil Ciuraru

In the event that one or more of the aforementioned vendors ceases to operate in the Lincoln Road Green Market, successful proposer shall not be allowed to replace said vendor(s) with another vendor during the term of this Agreement; to that end, in the event that all of the vendors cease to operate in the Lincoln Road Green Market, successful proposer's use of the portion of the Concession Area shall immediately terminate.

Operate and manage an open air street market, commonly known and referred to herein as the "Lincoln Road Green Market" (the Market), which shall provide a venue for vendors to sell and/or provide the following (as each is more specifically defined in this Agreement:

- a) Plants and Cut Flowers; and
- b) Fruits, vegetables, and other edible products and related food items.

This shall also generally include the rental of booths, tents, tables, signs or space(s).

Interaction and Coordination with Other Lincoln Road Operations and Events:

Successful proposer will agree and understand that there are other businesses, establishments, operations and events which are ongoing, or may occur from time to time within or in close proximity to, the Concession Area. As such, successful proposer agrees that it will use its best efforts to cooperate and coordinate with said businesses, establishments, operations and events so as to minimize the impact to the respective parties.

SCHEDULE OF OPERATION.

Successful proposer's operations shall be open on the Concession Area, in accordance with the schedule outlined below, weather or events of force majeure permitting.

Day(s) of Operation: Sundays only

Operating Hours:

Set-Up:

Must not begin earlier than 6:00 AM and end by 10:00 AM

Market operating hours:
Daylight Savings Time: 9:00 AM to 7:00 PM
Eastern Standard Time: 9:00 AM to 6:00 PM
Move-Out:
Daylight Savings Time: 7:00 PM to 8:00 PM
Eastern Standard Time: 6:00 PM to 7:00 PM

Normandy Street Markets

Rue Vendome

This Concession Area is limited to the public right-of-way bounded on the south by the northernmost line of the 71st Street right-of-way; bounded on the north by the southernmost line of the Normandy Drive right-of-way; bounded on the west by the westernmost edge of the sidewalk line of Rue Vendome; and bounded on the east by the easternmost edge of the sidewalk line of Rue Vendome. The Concession Area does not include those portions of the public right-of-way where fountains, seating, or other public amenities or other uses authorized/licensed/permitted by the City are currently located or may be located in the future.

The successful proposer is hereby authorized to conduct the following kind(s) of business (es) within the Concession Area, as provided below, all at its sole cost and expense:

Successful proposer shall operate and manage an open air street market, commonly known and referred to herein as the "Normandy Village Street Market" (the Market), which shall provide a venue for vendors to sell and/or provide the following:

- a) Arts and Crafts Merchandise;
- b) Plants and Cut Flowers;
- c) Fruits, vegetables, and other edible products and related food items; and
- d) Live Entertainment (non-amplified)

This shall also generally include the rental of booths, tents, tables, signs, or space(s).

SCHEDULE OF OPERATION

Successful proposer's operations shall be open on the Concession Area, in accordance with the schedule outlined below, weather or events of force majeure permitting.

Day(s) of Operation: Saturdays only

Operating Hours:

Set-Up:

Must not begin earlier than 7:00 AM and end by 8:00 AM

Market operating hours:

Daylight Savings Time: 8:00 AM to 7:00 PM

Eastern Standard Time: 8:00 AM to 6:00 PM

Move-Out:

Daylight Savings Time: 7:00 PM to 8:00 PM

Eastern Standard Time: 6:00 PM to 7:00 PM

Any change in the days or hours of operation require the prior written consent of the City Manager including, but not limited to, change in the days and hours of operation requested pursuant to the Agreement.

Antiques and Collectibles Markets

- Area 1. Lincoln Road between Washington Avenue and Drexel Avenue.
Area 2. Drexel Avenue between Lincoln Lane North and Lincoln Lane South.
Area 3. Lincoln Road between Drexel Avenue and Pennsylvania Avenue.

Operate and manage an open air street market, commonly known and referred to herein as the "Lincoln Road Antique and Collectibles Market" (the Market), which shall provide a venue for vendors to sell and/or provide the following:

- a) Antiques;
- b) Vintage Goods; and
- c) Collectibles.

This shall also generally include the rental of booths, tents, tables, signs or space(s).

Interaction and Coordination with Other Lincoln Road Operations and Events:

Successful proposer will agree and understand that there are other businesses, establishments, operations and events which are ongoing, or may occur from time to time within, or in close proximity to the Concession Area. As such, successful proposer agrees that it will use its best efforts to cooperate and coordinate with said businesses, establishments, operations and events so as to minimize the impact to the respective parties.

It shall be understood and agreed that:

- a) The Lincoln Road Antique and Collectibles Market shall have first priority use of the portion of the Concession Area during such times as said Antique and Collectibles Market is operating.
- b) Should the Lincoln Road Green Market desire to utilize that portion of the Concession Area, it shall only be permitted to do so:
 - i. With successful proposer's prior written approval; and
 - ii. Only for as long as the Lincoln Road Green Market maintains the following longstanding vendors in said Area:
 - 1) Ivan Comas;
 - 2) Susana Garciga; and
 - 3) Emil Ciuraru.

SCHEDULE OF OPERATION

Successful proposer's operations shall be open on the Concession Area, in accordance with the schedule outlined below, weather or events of force majeure permitting.

Day(s) of Operation: Sundays only.

In the event the City exercises its option to extend this Agreement for an additional one year term, successful proposer day(s) of operation shall continue to be on Sundays only. Successful proposer shall provide the City with said dates of operation, prior to City authorizing any extension of the term.

Operating Hours:

Set-Up:

Must not begin earlier than 12:01 AM and end by 9:00 AM

Market operating hours: 9:00 AM to 6:00 PM

Move-Out: 6:00 PM to 11:30 PM

Any change in the days or hours of operation requires the prior written consent of the City Manager.

Permitted Concession Operations / Uses.

- a) Arts and crafts merchandise;
- b) Plants and cut flowers;
- c) Fruits, vegetables, and other edible products and related food items;
and
- d) Live entertainment (non-amplified).

Any live entertainment that is provided by successful proposer, shall be limited to: solo, duo and/or trio performers, unless otherwise approved, in writing, by the City Manager or his designee.

For purposes of this Agreement, the term "performers" shall include individuals who provide live entertainment by means of no amplified music with musical instruments, singing, dancing, theatrical and dramatic interpretation, mimes, etc. Notwithstanding, the foregoing, successful proposer, must comply with City and Miami-Dade County Noise Ordinance(s), and any other applicable regulation, at all times.

Vendor Selection / First Priority to Miami Beach Merchants.

Within thirty (30) days from the Commencement Date of the Concession Agreement, and for a period of thirty (30) days thereafter, the successful proposer, shall offer Miami Beach licensed merchants the opportunity to participate (a booth space in the Market) as vendors before opening its search to the general public or other networks. The successful proposer, will establish this "pool" and will also serve as the clearinghouse for booth availability and vendor applicants. The successful proposer, shall commit to use this clearinghouse during the initial availability of booth space before expanding its search to other networks.

The successful proposer, will use best efforts to ensure that all Miami Beach licensed merchants are contacted and that announcements regarding booth availability are disseminated throughout the City of Miami Beach, as quickly as possible so as to take optimum advantage of the thirty (30) day availability period, including but not limited to, advertising in a local newspaper, placing information on the Market or other websites, or other similar efforts.

CONCESSION FEES

Security Deposit

Upon execution of this Agreement successful proposer, shall furnish the City with a Security Deposit, as agreed by the City. Said Security Deposit shall serve to secure successful proposer's performance in accordance with the provisions of this Agreement. In the event the successful proposer, fails to perform in accordance with said provisions, the City may retain said Security Deposit, as well as pursue any and all other legal remedies provided herein, or as may

be provided by applicable law.

Percentage of Gross (PG)

During the initial term, and any renewal term, of the Agreement, successful proposer, shall pay the City, on a monthly basis, and within thirty (30) calendar days from the end of each month during the term herein, as negotiated of successful proposer's gross receipts (PG). In the event that the annual PG is less than the amount provided in the Agreement, then the successful proposer, shall also pay to the City, on an annual basis, the difference between the PG amount and the amount provided in the Agreement, no later than 30 days after the expiration of the initial term, or of the renewal term of this Agreement, as the case may be.

Minimum Guarantee (MG)

Notwithstanding the PG payment required and in consideration of the City executing this Agreement and granting the rights provided in this Agreement, successful proposer, shall pay to the City a Minimum Guaranteed Annual Concession Fee (MG).

In the event that the City, at its sole discretion, chooses to extend the term of this Agreement for the additional one (1) year renewal term, the renewal term year MG shall be automatically increased, by five percent (5%) from the previous year's MG.

T:\AGENDA\2006\apr1106\consent\Markets ScopeofServices.doc

Condensed Title:

Request for approval to extend the contract with The Kitchen, formerly TM Systems, LLC., for Spanish language translation and subtitling services at an estimated cost not to exceed \$100,000 for FY 2005/06 until the new translation service can be fully tested.

Key Intended Outcome Supported:

Enhance external and internal communications from and within the City.

Issue:

Shall the City Commission extend the contract with The Kitchen, for Spanish language translations and subtitling services?

Item Summary/Recommendation:

On September 8, 2005 the City Commission authorized an award of a contract to National Captioning Institute, Inc., pursuant to Invitation to Bid No. 31-04/05f for Real-Time Closed Captioning Services of all City of Miami Beach Commission meetings, and other televised meetings. National Captioning Institute also offers cost effective real-time English to Spanish language translation services. The Administration has been working with National Captioning Institute in testing their English to Spanish translation services. In the meantime, in order to continue providing Spanish translation services the Administration is recommending extending the contract with the current service provide, The Kitchen, until a final decision is made.

The Administration recommends extending the contract.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> OBPI	1	\$100,000.00	City Clerk's Office Account 011-0210-000312	
	2			
	3			
	4			
	Total	\$100,000.00		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

R. Parcher

Sign-Offs:

Department Director	Assistant City Manager	City Manager
REP <u><i>R. Parcher</i></u>	HF _____	JMG <u><i>R. Parcher for</i></u>

T:\AGENDA\2006\apr1106\consent\Spanish translation svcs Summary.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *R. Sanchez for*

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO EXTEND THE CONTRACT WITH THE KITCHEN, FORMERLY TM SYSTEMS, LLC., FOR SPANISH LANGUAGE TRANSLATION AND SUBTITLING SERVICES AT AN ESTIMATED COST NOT TO EXCEED \$100,000 FOR FY 2005/06 UNTIL THE NEW TRANSLATION SERVICE CAN BE FULLY TESTED.**

ADMINISTRATION RECOMMENDATION

Approve the extension of the contract.

AMOUNT AND FUNDING

\$100,000 Funding is available in the City Clerk's Office Budget.

ANALYSIS

On September 8, 2005 the City Commission authorized an award of a contract to National Captioning Institute, Inc., pursuant to Invitation to Bid No. 31-04/05 for Real-Time Closed Captioning Services of all City of Miami Beach Commission meetings, and other televised meetings. National Captioning Institute also offers cost effective real-time English to Spanish language translation services. The Administration has been working with National Captioning Institute and testing their English to Spanish translation services. In the meantime in order to continue providing Spanish translation services the Administration is recommending extending the contract with the current service provide, The Kitchen, formerly TM Systems Inc., until a final decision is made.

HISTORY

In September 2002, the City of Miami Beach awarded a contract to Language Speak, Inc., pursuant to Bid No. 42-01/02 for simultaneous Spanish language interpreters. The interpreters translate in real-time and is available to the TV viewing public via the Second Audio Playback (SAP) feature which is available on most TV sets. Public feedback regarding the quality of the translation has varied. It is extremely difficult for one translator to translate in real-time, the Mayor and six Commissioners, the City Manager and City Attorney, the City Clerk, and other speakers. In addition, the English words used in transacting government business can be difficult to translate if given an adequate amount of time. Having to translate the words almost instantaneously is, at best, extremely difficult.

As a way to improve communications between the City and its Spanish speaking residents, the Administration, beginning with the Commission meeting in October 2003, tested TM Systems services, which utilizes its Emmy Award-winning technology to translate the City Commission meeting from English to Spanish and provide the City with a digital version of the meeting with Spanish subtitles. The technology is the only one of its kind that provides the ability to translate and to subtitle large volumes of dialogue and text in minimal turnaround time with accuracy and efficiency. TM Systems digitizes the City's Commission meeting videos, translates all voices, subtitles the translations, and returns a complete subtitled video within 48 hours.

On February 9, 2004, the Hispanic Affairs Committee reviewed and commented on both the real-time SAP translation and subtitling translation. Two evaluation tapes of an actual Commission meeting were produced. One tape contained the translation using the real-time SAP and the other tape contained the subtitled translation.

Before viewing the evaluation SAP tape, seventy-five percent (75%) of the Hispanic Affairs Committee indicated they have used the SAP feature to view live Miami Beach Commission meetings. When asked if the SAP translation provides an accurate translation of the Commission meeting, fifty percent (50%) indicated "some of the time." After viewing the evaluation tape with the SAP Spanish language real-time translation, fifty percent (50%) rated the comprehension as poor and the other fifty percent (50%) rated comprehension below average. Regarding accuracy of the real-time translation, fifty percent (50%) rated it poor, and fifty percent (50%) rated it below average. The comments of the Hispanic Affairs Committee on the SAP translation were: "The translation was slow, difficult to follow and inaccurate. It is a valuable thing to have; however, it must be accurate, animated and easy to follow. The City discontinued this service.

Before viewing the subtitled evaluation tape, one hundred percent (100%) of the Hispanic Affairs Committee members responded that the Spanish language subtitling was very valuable. After viewing the subtitled evaluation tape one hundred percent (100%) rated the comprehension of the subtitling as very good and one hundred percent (100%) rated the accuracy of the translation as very good. The Committee's comments on the subtitling were: "The replay translation is difficult to read, perhaps another font or color is recommended for ease on the eye. They like the idea of reading the translation over the voice because it can help those that are learning Spanish too since they get both at one time."

The cost to digitize, translate, subtitle, and provide the City with a subtitled tape is \$11 a minute. An average nine hour City Commission meeting will cost \$5,940. In any year there are between 14 and 16 scheduled Commission meetings. The annual expenditure using the average of a 9-hour Commission meeting will be between \$84,000 and \$95,000, not including special Commission meetings. The project will be funded out of the City Clerk's budget.

As a result of the Hispanic Affairs Committee survey, the Administration will review the real-time English to Spanish interpreter service.

CONCLUSION

The Administration recommends approving the extension to the contract with The Kitchen, formerly TM Systems, LLC, in an amount not-to-exceed \$100,000 for FY 2005/06, until the new translation service can be fully tested.

JMG/REP

T:\AGENDA\2006\apr1106\consent\Spanish translation svcs cm.doc

COMMISSION ITEM SUMMARY

Condensed Title:

Request For Approval To Purchase One (1) John Deere 410G Backhoe From Nortrax Equipment Company, Pursuant To Federal General Services Administration Contract No. GS-30F-1021D, In The Amount Of \$72,814.43.

Key Intended Outcome Supported:

Ensure well maintained infrastructure.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

The John Deere 410G Backhoe is a budgeted replacement at the customers request and will be funded by the Fleet Management Fund Capital Account and the Public Works Streets and Street Lighting Fund Capital Account. This equipment is being traded in for a larger machine to fill the current heavy demand and work load. The older, smaller machine is underpowered and overworked which resulted in higher than normal maintenance costs and downtime. Because the old equipment is in fair condition, the City is able to receive \$11,000.00 toward the purchase of the new machine. This equipment will be used by the Public Works Streets Division in the restoration of City sidewalks and asphalt.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:




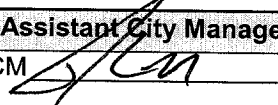

Source of Funds:	Amount	Account	Approved
1	\$60,000.00	510-1780-000673	
2	\$12,814.43	011-0840-000673	
3			
4			
Total	\$72,814.43		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET  FB  GL 	RCM 	JMG 

T:\AGENDA\2006\apr1106\Consent\Backhoe Sum.doc



MIAMI BEACH

AGENDA ITEM C2C
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG [Signature]

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE ONE (1) JOHN DEERE 410G BACKHOE FROM NORTRAX EQUIPMENT COMPANY, PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION CONTRACT NO. GS-30F-1021D, IN THE AMOUNT OF \$72,814.43.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$60,000.00 Funding is available from the Fleet Management Fund Capital Account Number 510-1780-000673.

\$12,814.43 Funding is available from Public Works Streets & Street Lighting Fund Capital Account Number 011-0840-000673.

ANALYSIS

The John Deere Backhoe is recommended to be purchased pursuant to Federal General Services Administration Contract No. GS-30F-1021D. All other contracts available to the City of Miami Beach were compared and the following was found:

	Nortrax	Nortrax
	Federal GSA	Florida Sheriffs Association
Contract Price	\$83,814.43	\$85,898.01
Less Trade-in	(\$11,000.00)	(\$11,000.00)
Net Cost	\$72,814.43	\$74,898.01

The John Deere 410G Backhoe is a budgeted replacement at the customers request for Fiscal Year 2005/2006 and will be funded by the Fleet Management Fund Capital Account and the Public Works Streets and Street Lighting Fund Capital Account. This equipment will be used by the Public Works Streets Division in the restoration of City sidewalks and asphalt.

Commission Memorandum

April 11, 2006

Page 2

The equipment listed below has not met the established criteria for replacement but is being traded in for a larger machine to fill the current heavy demand and work load. The older, smaller machine is underpowered and overworked which resulted in higher than normal maintenance costs and downtime.

Veh#	Dept.	Year	Make/Model	Hours	Life To Date Maintenance	Condition
0637	0840	1997	Case 580L	7,289	\$26,842.41	Fair

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

The purchase price of the new equipment is \$83,814.43, and based on the fair condition of the old equipment, the City received \$11,000.00 as a trade in toward the purchase of the new machine for a net cost of \$72,814.43.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of one (1) John Deere 410G Backhoe, from Nortrax Equipment Company, pursuant to Federal General Services Administration Contract No. GS-30F-1021D, in the amount of \$72,814.43.

JMG/RCM/FB/GL/AET/jvd

T:\AGENDA\2006\apr1106\consent\Backhoe Memo.doc

COMMISSION ITEM SUMMARY

Condensed Title:

Request For Approval To Purchase One (1) Tennant ATLV4300 From Tennant Sales And Service Company, Pursuant To Federal General Services Administration Contract No. GS-30F-1020D, In The Amount Of \$29,869.74.

Key Intended Outcome Supported:

Improve cleanliness of Miami Beach rights of way especially in business areas.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

The Tennant ALTV4300 is a budgeted replacement and will be funded by the Fleet Management Fund Capital Account. The Litter Vacuum will be used on a daily basis for the removal of litter on Lincoln Road Mall, including South and North Lincoln Lane, the surrounding parking areas and open lots. This equipment will support the proposed increase in service level for the Lincoln Road business area.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:





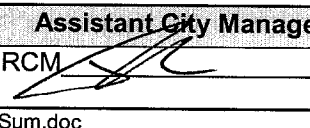
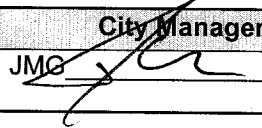
Source of Funds:	Amount	Account	Approved
1	\$29,869.74	510-1780-000673	
2			
3			
4			
Total	\$29,869.74		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET  FB  AZ  GL 	RCM 	JMG 

T:\AGENDA\2006\apr1106\Consent\Tennant Sum.doc



MIAMI BEACH

AGENDA ITEM C2D
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

for JMG [Signature]

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE ONE (1) TENNANT ATLV4300 LITTER VACUUM FROM TENNANT SALES AND SERVICE COMPANY, PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION CONTRACT NO. GS-30F-1020D, IN THE AMOUNT OF \$29,869.74.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$29,869.74 Funding is available from the Fleet Management Fund Capital Account Number 510-1780-000673.

ANALYSIS

The Tennant ALTV4300 is recommended to be purchased pursuant to Federal General Services Administration Contract No. GS-30F-1020D. All other contracts available to the City of Miami Beach were reviewed but did not include this equipment and specifications.

The Tennant Litter Vacuum is a budgeted replacement for Fiscal Year 2005/2006 and will be funded by the Fleet Management Fund Capital Account.

The Litter Vacuum will be used on a daily basis for the removal of litter from the alleys and trash cans on Lincoln Road Mall, including South and North Lincoln Lane, the surrounding parking areas and open lots. This equipment will support the proposed increase in service level for the Lincoln Road business area.

The vehicle listed below has met the established criteria for replacement and was previously sold at auction:

Veh#	Dept.	Year	Make/Model	Hours	Life To Date Maintenance	Condition
0367	9962	2001	GreenMach	2,502	\$22,004.58	Poor

Commission Memorandum

April 11, 2006

Page 2

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of one (1) Tennant ATLV4300 Litter Vacuum from Tennant Sales and Service Company, Pursuant to Federal General Services Administration Contract No. GS-30F-1020D, in the amount of \$29,869.74

JMG/RGM/FB/AZ/GL/AET/jvd

T:\AGENDA\2006\apr1106\consent\Tennant Memo.doc

COMMISSION ITEM SUMMARY

Condensed Title:

Request For Approval To Purchase One (1) Bobcat 5600 Work Machine With Attachments From Kipper Tools, Pursuant To Federal General Services Administration Contract No. GS-06F-0018L, In The Amount Of \$33,838.97.

Key Intended Outcome Supported:

Improve cleanliness of Miami Beach rights of way especially in business areas.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

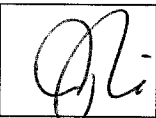
The Bobcat 5600 Work Machine with attachments is a budgeted replacement and will be funded by the Fleet Management Fund Capital Account. The Work Machine is capable of hauling heavy loads and will be equipped with a rear window guard for safety, a 68" angle broom that will be used to remove litter and sand off the Beachwalk, Boardwalk and the Serpentine at Lummus Park. This equipment will support the proposed increase in service level for this area.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:







Source of Funds:	Amount	Account	Approved
 OBPI	1	\$30,000.00	510-1780-000673
	2	\$3,838.97	435-9962-000673
	3		
	4		
	Total	\$33,838.97	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET  FB  AZ  GL 	RCM 	JMG 

T:\AGENDA\2006\apr1106\Consent\Bobcat 5600Sum.doc



MIAMI BEACH

AGENDA ITEM C2E
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG [Signature]

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE ONE (1) BOBCAT 5600 WORK MACHINE WITH ATTACHMENTS FROM KIPPER TOOLS, PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION CONTRACT NO. GS-06F-0018L, IN THE AMOUNT OF \$33,838.97.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$30,000.00 Funding is available from the Fleet Management Fund Capital Account Number 510-1780-000673.

\$3,838.97 Funding is available from the Sanitation Enterprise Fund South Beach Service Team Capital Account Number 435-9962-000673.

ANALYSIS

The Bobcat 5600 is recommended to be purchased pursuant to Federal General Services Administration Contract No. GS-06F-0018L. All other contracts available to the City of Miami Beach were reviewed but did not include this equipment and specifications.

The Bobcat 5600 Work Machine is a budgeted replacement for Fiscal Year 2005/2006 and will be funded by the Fleet Management Fund Capital Account and the Sanitation Enterprise Fund South Beach Service Team Capital Account.

The Work Machine is capable of hauling heavy loads and will be equipped with a rear window guard for safety, a 68" angle broom that will be used to remove litter and sand off the Beachwalk, Boardwalk and the Serpentine at Lummus Park. This equipment will support the proposed increase in service level for the area.

The vehicle listed below has met the established criteria for replacement and was previously sold at auction:

Veh#	Dept.	Year	Make/Model	Hours	Life To Date Maintenance	Condition
0368	9962	2001	GreenMach	2,502	\$17,420.68	Poor

Commission Memorandum

April 11, 2006

Page 2

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of one (1) Bobcat 5600 Work Machine with attachments from Kipper Tools, pursuant to Federal General Services Administration Contract No. GS-06F-0018L in the amount of \$33,838.97.

 
JMG/RCM/FB/AZ/GL/AET/jvd

T:\AGENDA\2006\apr1106\consent\Bobcat 5600 Memo.doc

Toolcat™

Utility Work Machine



Toolcat™

Utility Work Machine



Condensed Title:

Request For Approval To Purchase Forty (40) Public Safety Equipment Packages, For Police Pursuit Vehicles, From Duval Ford, Pursuant To Florida State Contract No. 04-12-0823, In The Amount Of \$135,331.00.

Key Intended Outcome Supported:

Increase resident ratings of Public Safety services.

Issue:

Shall the City Commission approve the purchase?

Item Summary/Recommendation:

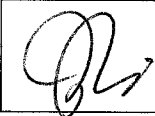
The forty (40) public safety equipment packages are budgeted equipment and are funded by the Fleet Management Fund. The public safety packages will be installed on forty (40) police pursuit vehicles (twelve (12) Impalas and twenty-eight (28) Crown Victorias), previously approved for purchase by the City Commission. The packages will include, but are not limited to, LED light bar, corner strobe lights, rear deck lights, console, controller, siren, speaker, anti-theft device, special rear seating, shot-gun mount, and wiring.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

n/a

Financial Information:



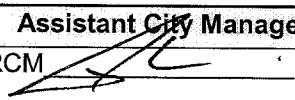
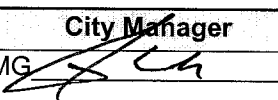
Source of Funds:	Amount	Account	Approved
 OBPI	1	\$135,331.00	510.1780.000673 Fleet Management Fund Capital Account
	2		
	3		
	4		
	Total	\$135,331.00	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET  GL 	RCM 	JMG 

T:\AGENDA\2006\apr1106\consent\PublicSafetyEquip.Summ.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG 

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE FORTY (40) PUBLIC SAFETY EQUIPMENT PACKAGES FOR POLICE PURSUIT VEHICLES, FROM DUVAL FORD, PURSUANT TO FLORIDA STATE CONTRACT NO. 04-12-0823, IN THE AMOUNT OF \$135,331.00.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$135,331.00 Fleet Management Fund Capital Account 510.1780.000673

ANALYSIS

The forty (40) Public Safety Equipment packages are recommended to be purchased pursuant to Florida State Contract No. 04-12-0823.

The forty (40) public safety equipment packages are budgeted equipment and will be funded by the Fleet Management Fund Capital Account. The public safety equipment packages will be installed on forty (40) police pursuit vehicles, which includes twenty eight (28) Crown Victoria police pursuit vehicles and twelve (12) Impala police pursuit vehicles previously approved for purchase by the City Commission.

Each of the forty (40) public safety equipment packages are specific to the City of Miami Beach and comply with the established standards for police officer safety by Fleet Management and the Miami Beach Police Department. The packages include, but are not limited to, LED light bar, corner strobe lights, rear deck lights, console, controller, siren, speaker, anti-theft device, special rear seating, shot-gun mount, wiring and full installation.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of forty (40) public safety equipment packages, pursuant to Florida State Contract No. 04-12-0823, from Duval Ford, in the amount of \$135,331.00.

JMG/RCM/GL/AET/mo

T:\AGENDA\2006\apr1106\consent\PublicSafetyEquip.Memo.doc

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

Request for approval to issue a Request for Proposals (RFP) for landscape maintenance and litter control services for all green areas associated with the City's (61) Parking Lots and (5) Garages.

Key Intended Outcome Supported:

Maintain Miami Beach public areas and rights of way especially in business districts

Issue:

Shall the City Commission approve the issuance of a RFP?

Item Summary/Recommendation:

The City of Miami Beach Parking Department has a requirement to enter into a Contract/Agreement with a qualified professional contractor(s) to provide landscape ground maintenance and litter control services, in order to achieve the overall Key Intended Outcome, for all of the green areas associated with the City's (61) parking lots and (5) garages, and to provide for a healthy, growing, safe, clean, and attractive condition throughout the year.

The successful Contractor shall be well versed in Florida maintenance operations and procedures. All of the contractor's employees shall be competent and skilled in their particular job in order to ensure that they properly perform the work in an outstanding manner.


The executed contract shall be for a period of three (3) years, pending the Administration's successful negotiations and available funding. The City of Miami Beach has the option to renew the contract upon mutual agreement between the two parties for an additional two (2) years, on a year to year basis.

Accept the City Manager's Request and Authorize issuance of RFP.

Advisory Board Recommendation:

N/A

Financial Information:

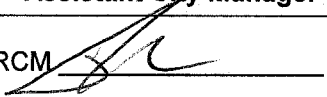
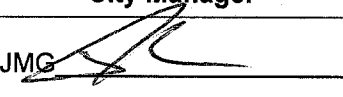
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 50px; height: 50px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1			
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL____ KS____ SF____	RCM 	JMG 

T:\AGENDA\2006\apr1106\consent\RFPGroundsMaintParkingLots SUMMARY.doc



MIAMI BEACH

AGENDA ITEM C2G
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

for SMG [Signature]

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR LANDSCAPE GROUND MAINTENANCE AND LITTER CONTROL SERVICES FOR ALL GREEN AREAS ASSOCIATED WITH THE CITY OF MIAMI BEACH (61) PARKING LOTS AND (5) GARAGES.**

ADMINISTRATION RECOMMENDATION

Authorize issuance of RFP.

KEY INTENDED OUTCOME SUPPORTED

Maintain Miami Beach public areas and rights of way especially in business districts

ANALYSIS

The City of Miami Beach Parking Department has a requirement to enter into a Contract/Agreement with a qualified professional contractor(s) to provide landscape ground maintenance and litter control services, in order to achieve the overall Key Intended Outcome, for all of City parking lots (61) and garages (5) (See Attachment) within the green areas, and to provide for a healthy, growing, safe, clean, and attractive condition throughout the year.

The successful Contractor shall be well versed in Florida maintenance operations and procedures. All of the contractor's employees shall be competent and skilled in their particular job in order to ensure that they properly perform the work in an outstanding manner.

The executed contract shall be for a period of three (3) years, pending the Administration's successful negotiations and available funding. The City of Miami Beach has the option to renew the contract upon mutual agreement between the two parties for an additional two (2) years, on a year to year basis.

SCOPE OF SERVICES

Provide Landscape Ground Maintenance and Litter Control Services for (61) Parking Lots and (5) Garages Green Areas Only. The successful Contractor shall provide the following services:

- Litter retrieval and waste disposal.
- Mowing.
- Trimming/Edging.
- Landscape maintenance/Weed control.
- Herbicide/insecticide application.
- Turf management.
- Irrigation system operation maintenance/repair.
- Palm and tree pruning.
- Replacement of plants as required.
- Traffic Control

After the City's Procurement Division receives responses from qualified Contractors, an Evaluation Committee, appointed by the City Manager, shall meet to evaluate each response in accordance with the requirements of this RFP. If further information is desired, contractors may be requested to make additional written submissions or oral presentations to the Evaluation Committee.

The Evaluation Committee will recommend to the City Manager based on the Procurement Best Value Method, the proposal which the Evaluation Committee deems to be in the best interest of the City by using the following criteria for selection:

1. The experience and qualifications of the Contractor **(20 points)**.
2. The experience and qualifications of the Key Personnel **(20 points)**.
3. Experience and qualification of Team **(10 points)**.
4. Cost **(20 points)**.
5. Risk Assessment Plan for ensuring quality of work **(15 points)**.
6. Past performance based on number and quality of the Performance Evaluation Surveys **(15 points)**.

CONCLUSION

The Administration recommends that the City Commission authorize the approval to issue the Request for Proposals (RFP) for landscape ground maintenance and litter control services for all of the green areas associated with the City's (61) parking lots and (5) garages.

T:\AGENDA\2006\apr1106\consent\RFPGroundsMaintParkingLots.MEMO.doc

**CITY OF MIAMI BEACH
OFF-STREET PARKING FACILITIES
LANDSCAPING LOCATIONS**

Facility #	Location	Spaces	Landscaping Service	Litter Services
PAL	11th Street / Jefferson Avenue	120	37	3 x weekly
Penrod's	Biscayne Street / Ocean Drive	149	37	3 x weekly
Mich. Ave.	15th Street / Michigan Avenue (Softball Lot)	134	37	3 x weekly
Pref. Lot	19th Street / Conv. Center Drive	800	30	1 x weekly
South Pointe	South Pointe Park - Restaurant	215	37	3 x weekly
1A	1st Street / Ocean Drive	62	37	3 x weekly
1G	7th Street / Collins Avenue (garage)	646	30	1 x weekly
2A	12th Street / Drexel Avenue (garage)	134	30	1 x weekly
2B	6th Street / Meridian Avenue	25	30	1 x weekly
2G*	17th Street / Meridian Court (garage)	1460	30	1 x weekly
4AL	4th Street / Alton Road	23	37	3 x weekly
4C	17th Street / West Avenue (Epicure)	71	37	3 x weekly
4D	16th Street / West Avenue	31	37	3 x weekly
4E	18th Street / Purdy Avenue (south)	41	37	3 x weekly
5A	17th Street / Washington Avenue	506	30	1 x weekly
5C	18th Street / Conv. Center Drive	101	30	1 x weekly
5F	18th Street / Meridian Avenue	117	30	1 x weekly
5H	19th Street / Meridian Avenue (Holocaust)	26	30	1 x weekly
5M	777 17th Street	27	37	3 x weekly
6B	21st Street / Collins Avenue	202	37	3 x weekly
7C	6th Street / Collins Avenue	34	30	1 x weekly
8A	42nd Street / Sheridan Avenue (garage)	620	37	3 x weekly
8B	42nd Street / Royal Palm Avenue	194	37	3 x weekly
8C	40th Street / Chase Avenue	80	37	3 x weekly
8D	47th Street / Sheridan Avenue	17	37	3 x weekly
8E	41st Street / Alton Road	41	37	3 x weekly
8F	42nd Street / Jefferson Avenue	30	37	3 x weekly
8G	40th Street / Royal Palm Avenue	43	37	3 x weekly
8H	40th Street / Prairie Avenue	70	37	3 x weekly
9A	71st Street / Harding Avenue (west)	51	37	3 x weekly
9B	72nd Street / Collins Avenue	320	37	3 x weekly
9C	71st Street / Carlyle Avenue	15	37	3 x weekly
9D	71st Street / Bonita Drive	34	37	3 x weekly
9E	71st Street / Harding Avenue	35	37	3 x weekly
9F	75th Street / Collins Avenue	110	37	3 x weekly
10A	Lincoln Lane N / Lenox Avenue (west)	86	37	3 x weekly
10C	Lincoln Lane N / Meridian Avenue	144	37	3 x weekly
10D	Lincoln Lane S / Jefferson Avenue (west)	62	37	3 x weekly
10E	Lincoln Lane S / Jefferson Avenue (east)	21	37	3 x weekly
10F	Lincoln Lane S / Euclid Avenue (west)	40	37	3 x weekly
10G	Lincoln Lane S / Michigan Avenue (west)	19	37	3 x weekly
10X	Lincoln Lane N / Lenox Avenue (east)	107	37	3 x weekly
11X	11th Street / Collins Avenue	33	37	3 x weekly
12X	9th Street / Washington Avenue	24	37	3 x weekly
13X	10th Street / Washington Avenue	30	37	3 x weekly
16D	34th Street / Collins Avenue	62	37	3 x weekly
16E	35th Street / Collins Avenue	72	37	3 x weekly
17A	13th Street / Collins Avenue (garage)	286	30	3 x weekly
17B	13th Street Provisional Lot	25	30	3 x weekly
17X	13th Street / Collins Avenue	55	30	1 x weekly
18A	64th Street / Collins Avenue	65	37	3 x weekly
18X	65th Street / Indian Creek (MARINA)	52	52	1 x weekly
19B	53rd Street / Collins Avenue	159	37	3 x weekly
19X	46th Street / Collins Avenue	459	37	3 x weekly
20X	27th Street / Collins Avenue	121	37	3 x weekly
22X	72nd Street / Carlyle Avenue	51	30	1 x weekly
23X	83rd Street / Abbott Avenue	12	30	1 x weekly
24A	Normandy Drive / Bay Road (north)	31	30	1 x weekly
24B	Normandy Drive / Vendome	23	30	1 x weekly
24C	Normandy Drive / Bay Road (south)	35	30	1 x weekly
25X	71st Street / Bonita Drive	18	37	3 x weekly
26A	80th Street / Collins Avenue	52	37	3 x weekly
26B	84th Street / Collins Avenue	65	37	3 x weekly
26C	79th Street / Collins Avenue	47	37	3 x weekly
26D	83rd Street / Collins Avenue	105	37	3 x weekly
	2500 sq ft 16th Washington Ct		37	3 x weekly
	TOTAL	8945	2331	1 x weekly

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

Request for Approval to Award a Contract to Franmar Corporation pursuant to Invitation to Bid No. 10-05/06, for the Rental of Eight (8) 65-Passenger School Buses with Drivers for the City's Park and Recreation Summer Programs, in the Estimated Amount of \$84,960

Key Intended Outcome Supported:

Increase satisfaction with recreational programs

Issue:

Shall the Commission approve the award of a contract to Franmar?

Item Summary/Recommendation:

The work specified in this bid consists of eight (8) 65-passenger school buses with drivers for the City of Miami Beach Recreation Department to transport playground and youth center participants throughout, Dade, Broward and Palm Beach Counties for various field trips for the lease period.

The sole bid was received from Franmar Corporation. This vendor has provided the service for the last two years under the Miami-Dade County Contract at a rate of \$30.50/hr per bus for non air-conditioned buses. The daily rate per bus submitted by Franmar under this Bid is \$295 (for a 9 hour day, equals \$32.77/hr). Four of the eight buses are to be air-conditioned.

The Administration recommends approving the award.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
	1	\$84,960.00	Parks and Recreation Account 011-0950-000323
	2		
	3		
	4		
	Total	\$84,960.00	

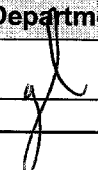
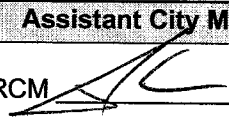
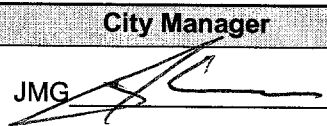
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL  KS	RCM 	JMG 

T:\AGENDA\2006\apr1106\consent\Summer Camp Buses SUMMARY.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG *[Signature]*

DATE: April 11, 2006

SUBJECT: REQUEST FOR APPROVAL TO AWARD A CONTRACT TO FRANMAR CORPORATION, PURSUANT TO INVITATION TO BID 10-05/06, FOR THE RENTAL OF EIGHT (8) 65-PASSENGER SCHOOL BUSES WITH DRIVER FOR THE CITY'S SUMMER PROGRAMS, IN THE ANNUAL AMOUNT OF \$84,960.00

ADMINISTRATION RECOMMENDATION

Approve the award of a contract.

FUNDING

\$84,960 Parks and Recreation Account No. 011-0950-000323

KEY INTENDED OUTCOME SUPPORTED

Increase satisfaction with recreational programs.

ANALYSIS

The purpose of Invitation to Bid No. 10-05/06 (the "Bid") is to establish a contract, by means of sealed bids, for the rental of eight (8) 65-Passenger School Buses with Drivers for the City of Miami Beach Recreation Department to transport playground and youth center participants throughout Miami Dade, Broward and Palm Beach Counties for various field trips during the City's summer programs. The lease period for the current year from May 30th to July 21st. Contractor shall provide a Supervisor stationed in Miami Beach to assist the City's Recreation Division with communication and scheduling. The Bid was issued with two options, either all (8) buses to be air conditioned, or (4) air-conditioned and (4) non-air conditioned buses.

The Bid was issued on January 27, 2006, with an opening date of March 3, 2006. BidNet issued bid notices to 11 prospective bidders. Additionally, the Procurement Division sent the bid announcement to 10 other prospective bidders. The notices resulted in the receipt of one bid.

The Procurement Division sent out a survey to those companies that opted not to bid and the following responses were received (number in parenthesis indicates number of companies that responded):

- Our company is simply not interested in bidding at this time (2).
- No buses available for this summer (1).
- Due to prior commitments our company was unable to provide a response to this ITB (3).
- We are in the process of updating our fleet to include air conditioned buses (1).

The sole bid was received from Franmar Corporation. This vendor has provided the service for the last two years under the Miami-Dade County Contract at a discounted rate of \$30.50/hr (rate per contract is \$33/hr) per bus for non air-conditioned buses. The daily rate per bus submitted by Franmar under this Bid is \$295 per day (for a 9 hour day, equals \$32.77/hr). Four of the eight buses are to be air-conditioned. The air-conditioned buses will be utilized for longer trips, and the non air-conditioned buses will be utilized for shorter trips.

For comparison purposes, Miami-Dade County Parks and Recreation and School Board rates are shown below:

DESCRIPTION	BUSES	DAYS	FRANMAR CORP.	M-D COUNTY PARKS & RECREATION	M-D COUNTY SCHOOL BOARD
			DAILY RATE PER BUS PER DRIVER	DAILY RATE PER BUS PER DRIVER	DAILY RATE PER BUS PER DRIVER
OPTION A (8) AIR CONDITIONED 65-PASSENGER SCHOOL BUSES	8	36	NO BID		\$288.00** \$32.00/hr
OPTION B (4) AIR CONDITIONED & FOUR (4)NON-AIR CONDITIONED 65-PASSENGER SCHOOL BUSES	8	36	\$295.00* \$32.77/hr	\$297.00* \$33/hr	\$288.00** \$32.00/hr

Miami-Dade County School Board offers a flat rate of \$32/hr.
Miami-Dade County Parks and Recreation rate is \$198 for a 6 hour bus rental.

*The City requested a daily rate per bus. Hourly rate is calculated based on a 9-hour day.

**The Administration considered the option of renting the buses from the School Board. However, due to their own summer programs, the buses could only be available after 9:00 a.m. for pick-up and drop-off service, without the ability to keep the bus the whole day, which is required for longer trips.

The Parks and Recreation Department comments on Franmar's performance follows: "Our past experience with Franmar has proven to be excellent. During the rising cost of fuel Franmar has managed to maintain the same prices, even with the frequency of long distance trips."

CONCLUSION

Based on the aforementioned, the Administration recommends that the City award a contract to Franmar Corporation for the rental of summer camp school buses in the annual amount of \$84,960. The contract shall remain in effect from time of award by the Mayor and City Commission until **September 30, 2007**, and may be renewed by mutual agreement for two (2) additional years, on a year to year basis.

Condensed Title:

Request Approval To Issue a Request for Proposals (RFP) for Complete Turf Mowing Services at All Non-Contracted Sites Citywide.

Key Intended Outcome Supported:

Maintain Miami Beach public areas and rights of way especially in business districts

Issue:

Shall the City Commission approve the issuance of a RFP ?

Item Summary/Recommendation:

The City of Miami Beach Parks and Recreation Department have a requirement to enter into a Contract/Agreement with a qualified professional contractor(s) to provide complete turf mowing services to achieve the overall Key Intended Outcome, which is to maintain four (4) designated service levels/areas within North Beach and four (4) designated service levels/areas within South Beach, in a healthy, growing, safe, clean, and attractive condition throughout the year.

The successful Contractor shall be well versed in Florida maintenance operations and procedures. All of the contractor's employees shall be competent and skilled in their particular job in order to insure that they properly perform the work in an outstanding manner.

The executed contract shall be for a period of three (3) years, pending the Administration's successful negotiations and available funding. The City of Miami Beach has the option to renew the contract upon mutual agreement between the two parties for an additional two (2) years, on a year to year basis.

Accept the City Manager's Recommendation and Authorize issuance of RFP.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

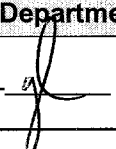
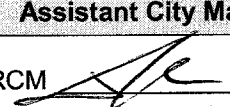

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL  KS	RCM 	JMG 

T:\AGENDA\2006\apr1106\consent\RFPGroundsMaintMowing SUMMARY.doc



MIAMI BEACH

AGENDA ITEM
DATE

C2I

4-11-06



MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG [Signature]

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR COMPLETE TURF MOWING SERVICES AT ALL NON-CONTRACTED SITES CITYWIDE.**

ADMINISTRATION RECOMMENDATION

Authorize issuance of RFP.

KEY INTENDED OUTCOME SUPPORTED

Maintain Miami Beach public areas and rights of way especially in business districts

ANALYSIS

The City of Miami Beach Parks and Recreation Department have a requirement to enter into a Contract/Agreement with a qualified professional contractor(s) to provide complete turf mowing services at all non-contracted sites citywide to achieve the overall Key Intended Outcome, which is to maintain four (4) designated service levels/areas within North Beach and four (4) designated service levels/areas within South Beach, (See Attachment) in a healthy, growing, safe, clean, and attractive condition throughout the year.

The successful Contractor shall be well versed in Florida maintenance operations and procedures. All of the contractor's employees shall be competent and skilled in their particular job in order to insure that they properly perform the work in an outstanding manner.

The executed contract shall be for a period of three (3) years, pending the Administration's successful negotiations and available funding. The City of Miami Beach has the option to renew the contract upon mutual agreement between the two parties for an additional two (2) years, on a year to year basis.

ANALYSIS (Continued)

SCOPE OF SERVICES

Provide Complete Turf Mowing Services at All Non-Contracted Sites Citywide. The successful Contractor shall provide the following services:

- Litter retrieval and waste disposal.
- Mowing.
- Trimming/Edging.
- Turf management.
- Irrigation system operation maintenance/repair.
- Turf Fertilization
- Traffic Control

After the City's Procurement Division receives responses from qualified Contractors, an Evaluation Committee, appointed by the City Manager, shall meet to evaluate each response in accordance with the requirements of this RFP. If further information is desired, contractors may be requested to make additional written submissions or oral presentations to the Evaluation Committee.

The Evaluation Committee will recommend to the City Manager based on the Best Value Procurement Method, the proposal which the Evaluation Committee deems to be in the best interest of the City by using the following criteria for selection:

1. The experience and qualifications of the Contractor **(20 points)**.
2. The experience and qualifications of the Key Personnel **(20 points)**.
3. Experience and qualification of Team **(10 points)**.
4. Cost **(20 points)**.
5. Risk Assessment Plan for ensuring quality of work **(15 points)**.
6. Past performance based on number and quality of the Performance Evaluation Surveys **(15 points)**.

CONCLUSION

The Administration recommends that the City Commission authorize the approval to issue the Request for Proposals (RFP) for Complete Turf Mowing Services at All Non-Contracted Sites Citywide.

NORTH MOWING

LEVEL 1: Thirty-seven (37) Services Annually

1. North Shore Park and Youth Center – 501 72nd St.
2. Polo Park – 4301 N. Michigan

LEVEL 2: Thirty-four (34) Services Annually

1. Muss Park – 4400 Chase Ave.
2. Muss Park Median – 43rd and Meridian Ave.
3. 42nd St. swale – Both sides of street Prairie Ave. to Pintree Dr.
4. Brittney Bay Park – W. Indian Creek Drive between 63rd and 65th Streets
5. Fisher Park – 50th St. and Alton Rd.
6. La Gorce Park – 6421 Alton Rd.
7. Normandy Shores Park – 2401 Biarritz Dr.
8. Normandy Shores Tennis – Intersection of Bay Dr. and N. Shore Dr.
9. Pinetree Park – 45th St. and Pinetree Dr.
10. Police Substation – 69th St. and Indian Creek
11. 71st Street Welcome Sign – At western city limits on 71st St. & Normandy

LEVEL 3: Thirty (30) Services Annually

1. Crespi Park – 7801 Crespi Blvd.
2. Fairway Park – 200 Fairway Dr.
3. Poinciana Park – North of 63rd between N. Bay Dr. and La Gorce Dr.
4. Stillwater Park – 8440 Hawthorn Ave.
5. N. Bay Rd. and 63rd St – landscape chop
6. 44th St. and Nautilus Dr. – landscape chop
7. Tatum Park – 8050 Byron Ave.
8. 81st St. Park – 81st St. and Crespi Blvd.
9. 41st St. – From 44th St. to Collins Ave.
10. 46th St. and Collins Ave. – Boathouse area
11. Fire Station - 53rd St and Collins Ave.
12. 53rd St. and Collins Ave – Beach (coral rock) wall area.
13. 53rd St. and Collins Ave – Boathouse area. From the pumping station to 5330 blk.
14. Carriage House – 5330 Collins Ave.
15. 67th St. Triangle – Swale at Indian Creek/Abbott
16. Abbott Ave and Indian Creek Triangle – Side swale
17. Pinetree Dr. – 46th St. to the bridge to 49th St. bus stop
18. 51st Terr. And Lakeview/Cherokee Dr. – By Golf Course
19. 51st St. and Lakeview – Corner on left going west.
20. 51st St and Alton – Center triangle and right corner going west

Level 3 Cont.

21. 6001 & Pinetree – dead end by the water.
22. 63rd St. Pine Tree Circle – on corner
23. 81st St & Hawthorn – old dump at 81st and Crespi
24. 1410 Daytonia Rd. – Biscayne Point Swale
25. 1400 Cleveland Rd. – Biscayne Point Swale
26. 1145 Noremac Ave. – Biscayne Point dead end
27. Biscayne Point Entrance and Bridge Approach – 77th and Biscayne Lane
28. 71st St. and Biarritz – Triangle and Swale area
29. 6900 Bay Dr. and Brest Esplanade – Bay Dr. and Brest Esplanade
30. Bay Dr. and Versailles – King Cole Hotel
31. 1101 Biarritz Dr. and Rue Versailles – Cul de sacs
32. 620 Trouville Esplanade and Normandy Dr. – Center parkways
33. 1690 Trouville Esplanade and Bay Dr. – Street end north and south
34. 6830 Rue Grandville and Biarritz Dr. – Cul de sacs
35. 1919 Rue Grandville and Bay Dr. – Street end and seawall
36. 1905 Rue Grandville at Calis Dr. – two small chops
37. North Shore Open Space Park – Collins Ave from 79th to 86th.
38. North Shore Open Space Park Out Parcels
39. Bay Drive and Rue Grandville – across the street from 1919
40. Bay Dr. and Rue Grandville – strip from Bay Dr. to the bay.
41. Rue Granville and Biarritz Dr. – side planting

LEVEL 4: Twenty-four (24) Services Annually

1. S.E Corner of 76th St. and Collins Ave. – small swale between curb and sidewalk on south side of 76th St. east of Collins.
2. 7150 Indian Creek – Street end seawall
3. 62nd St. Pumping Station – 62nd and 6145 La Gorce
4. 85th St. Bridge Approach
5. 75th St. and Dickens – Water Treatment, fenced area, on west side
6. 73rd and Dickens – Bridge approach
7. 72nd and Dickens – Parking Lot, west side where guardrail is located
8. 72nd and Dickens – Seawall
9. 73rd St. Medians – Dickens and Harding
10. 2135 Biarritz Dr. and Calais – Bridge approach both sides
11. 2316 W. Bay Dr. – Street end, Biarritz area
12. Normandy Pumping Station – 601 Hagan St. and Southshore Dr.
13. South Shore Dr. and Biarritz – Street end
14. 71st St. Bridge and Bridge embankment
15. 1630 Bayside Lane – Street ends and canal bank
16. 80th St Street ends – Tatum Water Way Dr.
17. Butterfly Park – Corner of Wayne and Michaels
18. Tatum Water Way Dr, Triangle – 79th Street

Level 4 Cont.

19. Tatum Water Way Dr. and 77th St. – Bridge approach
20. North Beach Elementary Alleyway – 41st St. and Prairie Dr.
21. 880 Jones St South Shore Dr. – Dead end
22. 7136 Bonita Dr. – Street end seawall
23. 71st St Pumping Station 71st St. and Bay Dr.
24. 7227 Fairway Dr. – Bridge Approach 3 sides
25. 350 Ray St. and Southshore Dr. – Street end seawall
26. 193 Fairway and Northshore Dr. – Street end seawall

SOUTH MOWING

LEVEL 1: Thirty-seven (37) Services Annually

1. City Hall – 1700 Convention Center Drive.
2. Police Station – 1100 Washington Ave.
3. Lummus Park – Ocean Drive from 5th St. to 15th St.
4. 3rd Street Park – Ocean Drive
5. 20th Street Fountain – 20th Street and Alton Road
6. South Beach Police Substation – SW Corner of Collins and 2nd. St.

LEVEL 2: Thirty-four (34) Services Annually

1. Alton Road Medians – Michigan Ave. to 62nd. St.
2. Alton Rd. and 29th St. – Side chops, north and south
3. Alton Rd. and 43rd St. - Side chops, north and south
4. Alton Rd. and 47th St. – small chop
5. Alton Rd. and 50th St. – small swale area.
6. Alton Rd. and 51st St. – Bridge approach, north and south
7. Alton Rd and 62nd St. – Side chop.
8. 21st Street Recreation Center – 2100 Washington Ave.
9. Scott Rakow Youth Center – 2700 Sheridan Ave.
10. Palm Island Park – Palm Island
11. Maurice Gibb Park (FKA Island View) – Purdy Ave and Dade Blvd.
12. 3 medians on Purdy Ave – In front of and North of Maurice Gibb Park
13. Sunset Islands 1 & 2 Entrance – 29th St. and N. Bay Road
14. Sunset Islands 3 & 4 – Sunset Drive and N. Bay Rd.
15. Bass Museum and Collins Park – 21st St. and Collins Ave.
16. 23RD. Street Library
17. 6th Street Community Center – 6th St. between Meridian and Jefferson.

LEVEL 3: Thirty (30) Services Annually

1. 1st Street Swales and Medians – Washington Ave to Jefferson Ave.
2. 17th St. and West Ave. – Bridge approach
3. South Pointe Park and Median – Biscayne St. and Washington Ave.
4. Street end – 300' strip of grass south of Penrods.
5. Flamingo Park – 11th to 15th Streets between Michigan and Meridian Ave. All grass areas **except sports fields**.
6. Michigan Ave West of Flamingo – 12 small chops
7. 14th Street Park – Western street end of 14th Street.
8. Bay Road 14th to 16th St. – East and West Swales
9. 23rd and North Bay Road - Greenspace
10. Pinetree Drive Median – 23rd to 27th Street
11. Hebrew Academy – Swale area 24th and Pinetree Dr.

12. Prairie Ave. and 28th Street – Circular median

Level 3 Cont.

13. Parkview Park – Jefferson and 19th.

14. Dade Blvd. – North side from Prairie to Pinetree/23rd St.

15. Dade Blvd. Canal Bank – North side from the Bay just east of Purdy Ave to 23rd and Pinetree. South side; from 2129 Washington Court to 22nd St. and Washington Ct.

16. Belle Island Park - Island Avenue and Venetian Way

17. Four (4) Medians – Rivo Alto and Venetian Way

18. 2850 Flamingo Drive – Bridge approach both sides

19. 3rd Street Library and Washington Park – 3rd. St and Washington Ave.

20. Fire Station – 11th St. and Meridian

21. Fountain Area - 41st Street and Pinetree Drive

22. Bus Bench Area – 40th St. and Indian Creek

23. 40th St. and Flamingo Dr. – Chop

24. Flamingo Dr. Street-Ends – 27th – 39th Street

25. 35th St. and Flamingo – Landscape chop

26. 33rd. St. and Flamingo – Landscape chop

27. Flamingo Dr. and Pinetree Drive. – Landscape chop

28. 28th St. and Prairie Ave. – Landscape chop

29. 24th St. and Lake Pancoast Dr. – Bridge approach

30. 23rd. St. and Flamingo Dr. – Bridge Approach

31. Fire Station - 23rd. St. and Dade Blvd.

32. 29th St. Street-end – Bathroom area

LEVEL 4: Twenty-four (24) Services Annually

1. Pumping Station - Alton Road and 41st St.

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

Request to Authorize the Issuance of a Request for Proposals (RFP) for Emergency Disaster Debris Monitoring Services for the City of Miami Beach.

Key Intended Outcome Supported:

Improve Cleanliness of Miami Beach Rights of Way especially in Business areas.

Issue:

Shall the City Commission approve the City Manager's recommendation to Authorize the Issuance of a Request for Proposal (RFP) for Emergency Disaster Debris Monitoring Services?

Item Summary/Recommendation:

A comprehensive debris management plan is an essential and critical element in the efficient recovery efforts when a disaster strikes. Emergency crews can only access critical areas of the City as well as handle emergency health and welfare cases if debris is removed from the roads and access areas.

In order for the City of Miami Beach to receive FEMA assistance for disaster debris removal the City must implement a debris removal monitoring service. This service is provided by independent consultants that are selected by the City to provide this service. Monitoring of debris removal and disposal contractor activities is a critical component in successful debris operations and in the justification and documentation of any application for FEMA Public Assistance funding. The responsibility of these Consultants will be to deploy trained debris monitors to observe and document contractor activities. At a minimum these monitors should be stationed at all pick-up and disposal sites.

In order for the City of Miami Beach to meet all requirements set forth by FEMA pertaining to disaster debris monitoring and in order to have Consultants in-place to provide debris monitoring in case of emergency disasters in the event it is needed due to the coming Hurricane season, the Administration recommends that a Request for Proposals be issued to secure the services of qualified Consultants that can provide the debris monitoring services for the City, addressing all FEMA requirements.

Accept the City Manager's Request and Authorize issuance of RFP.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
OBPI	Total		
Financial Impact Summary:			

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL _____ FB _____	PDW _____ RCM _____	JMG _____

T:\AGENDA\2006\mar0806\consent\RFP-16-05-06RequesttoIssueDebrisRemovalRFPSummary.doc



MIAMI BEACH

AGENDA ITEM

DATE

C2J

4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez *For JMG [Signature]*

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO AUTHORIZE THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR EMERGENCY DISASTER DEBRIS MONITORING SERVICES FOR THE CITY OF MIAMI BEACH.**

ADMINISTRATIVE RECOMMENDATION

Authorize issuance of RFP.

ANALYSIS

A comprehensive debris management plan is an essential and critical element in the efficient recovery efforts when a disaster strikes. Emergency crews can only access critical areas of the City as well as handle emergency health and welfare cases if debris is removed from the roads and access areas.

The Federal Emergency Management Agency (FEMA) provides public assistance funds for debris clearance and removal and disposal operations. Eligible applicants include State and local governments. On August 28, 2005, FEMA determined that the damage in certain areas of the State of Florida resulting from Hurricane Katrina which occurred on August 24, 2005, and with Hurricane Wilma shortly after, were sufficient in severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (the Stafford Act).

FEMA was authorized to provide assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program, in the designated Florida disaster areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act to be deemed appropriate. Direct Federal assistance was authorized and Miami-Dade County as well as the City of Miami Beach was eligible for assistance for Debris Removal services.

In order for the City of Miami Beach to receive assistance for disaster debris removal the City must implement a debris removal monitoring service. This service is provided by independent consultants that are selected by the City to provide this service. Monitoring of debris removal and disposal contractor activities is a critical component in successful debris operations and in the justification and documentation of any application for FEMA Public Assistance funding. The responsibility of these Consultants will be to deploy trained debris monitors to observe and document contractor activities. At a minimum these monitors should be stationed at all pick-up and disposal sites.

SCOPE OF SERVICE

Provide Disaster Debris Monitoring Services in the City of Miami Beach. To perform these services, the CONSULTANT shall:

- Conduct post-storm debris quantifications and response operations planning
- Monitor multiple contractors, at the direction of the City
- Certify contractor vehicles and complete safety checklists
- Issue and sign multipart load tickets from field monitored positions
- Conduct staging area monitoring to include validating truck haul quantities signing lead tickets and ensuring trucks are empty on departure
- Implement and maintain a disaster debris operations management system linking load ticket and Temporary Debris Management Site (TDMS) information to support reconciliation and documentation
- Troubleshoot collection delays and other operational issues in work areas
- Provide daily and weekly updates to the City
- Conduct final inspections, monitor TDMS restoration and deliver closeout reports
- Perform other related assignments as directed by the debris management office or designated City personnel

Note: Payment(s) for such services must not exceed reasonable limits acceptable to FEMA.

After the City's Procurement Division receives responses from qualified Consultants, an Evaluation Committee, appointed by the City Manager, shall meet to evaluate each response in accordance with the requirements of this RFP. If further information is desired, consultants may be requested to make additional written submissions or oral presentations to the Evaluation Committee.

The Evaluation Committee will recommend to the City Manager the proposal which the Evaluation Committee deems to be in the best interest of the City by using the following criteria for selection:

1. The experience and qualifications of the Consultant (15 points).
2. The experience and qualifications of the Key Personnel (15 points).
3. Experience and qualification of Team (10 points).
4. Cost (20 points).
5. Methodology and Approach. (10 points)
6. Risk Assessment. (10 Points)
7. Plan for ensuring quality of work (10 points).
8. Past performance based on number and quality of the Performance Evaluation Surveys (10 points).

CONCLUSION

In order for the City of Miami Beach to meet all requirements set forth by FEMA pertaining to disaster debris monitoring and in order to have Consultants in-place to provide debris monitoring in the event that such services are required due to any disaster related occurrence, the Administration recommends that a Request for Proposals be issued to secure the services of qualified Consultants that can provide the debris monitoring services for the City, addressing all FEMA requirements.

T:\AGENDA\2006\mar0806\consent\RFP-16-05-06RequesttoIssueDebrisRemovalRFP.doc

Condensed Title:

Approve to issue a Request for Proposals (RFP) to provide professional food and beverage facilities management services for the Miami Beach Convention Center; with an option to manage food and beverage services at other City cultural facilities.

Key Intended Outcome Supported:

Increase community rating of cultural activities.

Issue:

Shall the City issue an RFP for food and beverage services at the Miami Beach Convention Center?

Item Summary/Recommendation:

On December 17, 1986, the City of Miami Beach entered into an Agreement with Volume Services America for the preparation and delivery of food and beverage services for the Miami Beach Convention Center and the Jackie Gleason Theater. This initial term was in affect for fifteen (15) years through February 2002. May 16, 2001, the City Commission passed Resolution No. 2001-24393, which exercised a renewal option to the Agreement with Volume Services America for an additional five year term, which expires on February 28, 2007. The current agreement does provide for one additional renewal option of five years.

This matter was considered by the Finance and Citywide Projects Committee on March 23, 2006. The prohibition presently in place, which restricts the City from hosting local catering events such as banquets, weddings, and large non-profit organization events at the Miami Beach Convention Center, was also discussed. Subsequently, the Committee recommended in favor of removing the aforesated prohibition and issuance of the RFP.

Advisory Board Recommendation:

On March 28, 2006, the CCAB met and discussed this matter and ultimately recommended in support of eliminating the local catering restriction and issuance of the RFP.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

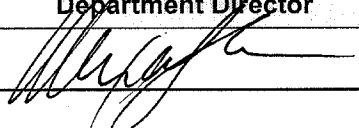
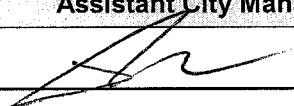

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Max Sklar, Tourism and Cultural Development Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMI BEACH

AGENDA ITEM C2K
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG [Signature]

DATE: April 11, 2006

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) TO PROVIDE PROFESSIONAL FOOD AND BEVERAGE FACILITIES MANAGEMENT SERVICES FOR THE MIAMI BEACH CONVENTION CENTER; WITH AN OPTION TO MANAGE FOOD AND BEVERAGE SERVICES AT OTHER CITY CULTURAL FACILITIES, IF DEEMED TO BE IN THE CITY'S BEST INTEREST.**

ADMINISTRATION RECOMMENDATION

Approve issuance of the Request for Proposals.

ANALYSIS

On December 17, 1986, the City of Miami Beach entered into an Agreement with Volume Services America for the preparation and delivery of food and beverage services for the Miami Beach Convention Center and the Jackie Gleason Theater. This initial term was in affect for fifteen (15) years through February 2002. May 16, 2001, the City Commission passed Resolution No. 2001-24393, which exercised a renewal option to the Agreement with Volume Services America for an additional five year term, which expires on February 28, 2007. The current agreement does provide for one additional renewal option of five years. It should also be noted that in October 2004, Volume Services America changed the name of the company from Volume Services America Holdings, Inc. to Centerplate, Inc., who currently manages food/beverage services at the Miami Beach Convention Center and Jackie Gleason Theater.

In February 2005, the City issued Centerplate a notice of default due to continued service deficiencies at the Miami Beach Convention Center (MBCC) during a number of events in 2004 and 2005, but most significantly due to deficiencies experienced during the SAP Conference in January 2005. In accordance with the Agreement, Centerplate was provided with thirty (30) days to remedy the aforesated default. Subsequently, Centerplate made sufficient changes in staffing and operations which resulted in significant quality improvements to cure the default.

In light of the aforementioned performance issues and the length of time since these services were last bid, the Administration believes it is in the City's best interest to issue a Request for Proposals (RFP) to ensure the Miami Beach Convention Center provides quality food and beverage concession services to the users and attendees of the Convention Center and potentially other cultural venues. This recommendation was presented to the Convention Center Advisory Board (CCAB) as an informational item at their February 28, 2006 meeting. No objections were raised. This matter was also discussed at the March 28, 2006, CCAB meeting. More detail regarding the subsequent discussion and Board action is provided later in this memorandum.

This matter was considered by the Finance and Citywide Projects Committee on March 23, 2006. The prohibition presently in place, which restricts the City from hosting local catering events such as banquets, weddings, and large non-profit organization events at the Miami Beach Convention Center, was also discussed. In essence, the Convention Center is prohibited from providing food and beverage service to events that do not book an exhibit hall and are not conventions, trade shows, public shows, entertainment events, or consumer shows. The Committee felt this was business the Convention Center should be allowed to compete for, especially since other local facilities like the Miami Performing Arts Center and Parrot Jungle are able to do so. Moreover, the City's largest hotel, the Fontainebleau, has closed for renovations and limits the availability of space in the City equipped to handle large catered functions. It is also important to note that the Miami Beach Convention Center is the only convention center in the Country with this prohibition.

David Kelsey, President of the South Beach Hotel and Restaurant Association, attended the meeting and stated that the small hotels would benefit from removing this prohibition since their facilities are small and they are not able to cater these large functions. Subsequently, the Committee recommended in favor of removing the aforesated prohibition and issuance of the RFP.

On March 28, 2006, the CCAB met and discussed the proposed recommendation, and the recommendation of the Finance and Citywide Projects Committee. While there was some debate regarding the affect of removing the catering prohibition on the larger hotels, the CCAB ultimately recommended in support of eliminating the local catering restriction and issuance of the RFP. It should also be noted that Stuart Blumberg, President of the Greater Miami and Beaches Hotel Association, stated during the March 27, 2006, City Commission Workshop regarding the Convention Center enhancements that it is the appropriate time to eliminate the restriction.

Attached in Exhibit A is the scope of services and evaluation criteria, in substantially the final form.

CONCLUSION

The Administration recommends the Mayor and City Commission approve issuance of a Request for Proposals (RFP) to provide professional food and beverage facilities management services for the Miami Beach Convention Center; with an option to manage food and beverage services at other City cultural facilities, if deemed to be in the City's best interest.

JMG/HMF/MAS

T:\AGENDA\2006\apr1106\consent\F&B RFP.doc

EXHIBIT A

1. Introduction/Overview

A) Purpose/Objective

The City of Miami Beach ("City") is seeking competitive proposals from qualified firms to provide professional food and beverage facilities management services for the Miami Beach Convention Center.

Additionally, **all proposals** must provide as part of their proposal submission to the City, proposals to operate and manage the "Other City Facilities" defined and described in Section 2 of this Request for Proposal (RFP).

B) Background

Opened in 1957, the Miami Beach Convention Center (MBCC) has been the heart of Miami Beach for almost fifty years. The Miami Beach Convention Center is a national and international convention, tradeshow, and multi-purpose facility owned by the City of Miami Beach and operated by SMG. As demand for exhibition space increased, in 1989 the facility underwent a \$92 million renovation and doubled in size. In the last six years, the facility has also boasted over \$35 million in continuing upgrades, including complete renovations of all restrooms, full carpet replacement, and installation of a state-of-the-art telecommunications and networking infrastructure.

MBCC has played host to a number of leading convention industry events, including the annual meetings of both the Professional Convention Management Association and the International Association for Exposition Management, as well as the Travel Industry Association's Pow Wow, scheduled to return for a third time in 2009. Major association users have included the Society for Neuroscience, International Association of Chiefs of Police, and others. The MBCC has also welcomed numerous important corporate users, including SAP, Sprint, Prudential Realty, and the inaugural Microsoft Global Briefing, a major sales and technology meeting of Microsoft employees worldwide.

Major annual trade shows here include the Jewelers International Showcase (three times annually), Graphics of the Americas, the International Boatbuilders Exhibition (IBEX), and the Seatrade Cruise Shipping Conference/Expo. The MBCC annual calendar also boasts some of the nation's premiere public events, including America's largest consumer show, the Miami International Boat Show, the South Florida International Auto Show, currently the third largest in the United States, and North America's most important contemporary art fair, Art Basel Miami Beach.

The City's plan is to operate high-quality, food and beverage catering and concession facilities at MBCC. As such, the City will provide floor space and the food service equipment listed in Attachment No. __ for operation under this Contract Agreement. These high-quality facilities will include but not be limited to the following at MBCC:

- East Kitchen
- West Kitchen
- Four permanent concession locations (one in each exhibit hall)
- East Cafe (2nd and 3rd Levels)
- Various identified storage locations

Additionally, the successful proposer shall have access to all fixed and temporary equipment owned by the City for the provision of food and beverages (see attached).

2. Other City Facilities

The City, at its sole discretion and option, may elect to contract with the successful proposer to manage and operate all or some of the following City cultural facilities (hereinafter referred to as the "Other City Facilities"), and/or any other public facility deemed to be in the City's best interest, during the term of the contract.

Jackie Gleason Theater (JGT)

For over fifty years, JGT has been South Florida's home for the best in Broadway, music and dance. JGT offers a diverse, year-round season of cutting edge and traditional programming that includes comedy, concerts, ballet, Broadway, and television productions. A 2700-seat, state-of-the-art performing arts facility, JGT is managed on behalf of the City by SMG. Food and beverage facilities at the JGT include:

- Seven permanent bar locations in Theater concourses
- One wine bar location (Main Lobby)
- One permanent bar location (Founders Room)
- Storage Room

Byron-Carlyle Theater

The Byron Carlyle Theater (Byron) consists of approximately 11,500 sf of theater use area including a 339-seat performance theater with 183 seats on the first level and 156 seats in the mezzanine level. The theater area also includes a lobby area, back stage dressing rooms, and ADA compliant restrooms. The theater sits within a 26,000 sf Structure with 20,667 sf on the ground floor and 5,333 sf on 2nd Floor mezzanine, projection, and storage areas. The Byron also houses approximately 3,200 sf of office space for the theater staff. Future renovations of the balance of the facility are contemplated that may include rehearsal space or additional performance facilities. A building and theater floor plan is attached. Food and beverage facilities at the Byron include:

- One permanent concession location

Colony Theater

The Colony Theater is completing extensive restoration and renovation. The \$6.3 million Project included the removal of the rear 45 feet of existing building, construction of a new state-of-the-art stage house, small second and third floor service areas behind the stage, a fourth floor "Backstage" area, elevator, stairs, and the addition of a new vestibule and exterior access ramp to provide ADA access to the stage. The historic preservation scope involved removing the existing marquee and storefront on Lincoln Road to its original historic appearance and modifying the interior lobby, office and concession area to be

more consistent with the building's original design. The Project contains between 427 to 440 seats, and provides the following food and beverage facilities:

- One permanent concession location

3. Management Summary and Qualifications

The City invites proposals from fully qualified and experienced food and beverage management firms. It should be noted that the proposer should have at least (5) years of successful experience as a Proposer or caterer.

Proposals must contain the following documents, each fully completed, and signed as required. If any items are omitted, Proposers must submit the documentation within five (5) calendar days upon request from the City, or the proposal shall be deemed non-responsive. However, as it relates to the omission of cost or revenue sharing information, the City will not accept said information after the deadline for receipt of proposals.

1. Table of Contents

Outline in sequential order the major areas of the proposal, including enclosures. All pages must be consecutively numbered and correspond to the table of contents.

2. Proposal Points to Address:

Proposer must respond to all minimum requirements listed below. Proposals which do not contain such documentation may be deemed non-responsive.

- a) **Introduction letter** outlining the proposers professional specialization, provide past experience to support the qualifications of the submitter. Interested Proposers should submit documents that provide evidence as to the capability to provide professional food and beverage services.
- b) Proposers must provide **documentation** which demonstrates their ability to meet all of the requirements set forth in this RFP.
- c) **Cost Information:**

Cost and/or revenue sharing information must be submitted with your proposal, and if selected as the successful Proposer, the City will reserve its right to negotiate cost and/or revenue sharing.

d) **Past Performance Information/Client Surveys:**

Past performance information will be collected on all Proposers. Proposers must provide your clients with the Performance Evaluation Letter and Survey attached herein, and request that your clients submit the completed survey to the contact person listed in this RFP. The City reserves the right to verify and confirm any information submitted in this process. Such verification may include, but is not limited to, speaking with current and former clients, review of relevant client documentation, site-visitation, and other independent confirmation of data.

e) **Qualifications of Proposer Team:**

Provide an organizational chart of all personnel and consultants to be used on this project and their qualifications. A resume of each individual, including education, experience, and any other pertinent information shall be included for each team member to be assigned to this project

Proposer shall provide a qualified management team at all venues and provide resumes for all managers and an Executive Chef. Minimal qualifications of all managers presented should include at least five (5) years of senior food management responsibility in the convention center/arena, or restaurant fields, with degrees in hotel/ restaurant management from recognized colleges /universities in that field. Experience may substitute for education on a year-to-year basis.

It is important to note that at the Convention Center the minimum acceptable staff must be included in your Proposal:

- General Manager

- Assistant General Manager/Director of Food and Beverage
- Catering Manager
- Concessions Manager
- Beverage Manager
- Director of Sales

f) **Risk-Assessment Plan (RAP):**

All Proposers must submit a Risk-Assessment Plan. The Risk-Assessment Plan must not be longer than two pages front side of page only. The RAP should address the following items in a clear and generic language:

- (1) What risks the project has. (Areas that may cause the Proposers to be a source of dissatisfaction with the owner).
- (2) Explanation of how the risks will be avoided/minimize.
- (3) Propose any options that could increase the value of this project.
- (4) Explain the benefits of the Risk Assessment Plan. Address the quality and performance differences in terms of risk minimization that the City can understand and what benefits the option will provide to the users. No brochures or marketing pieces.

g) **Methodology and Approach:**

It is the intention of the City to provide its food and beverage services and catering concession services at the highest quality. All food and beverage preparation, storage, dispensing, consumption, dining or sales areas are to be kept clean, orderly, and sanitary at all times and in strict accordance with all applicable laws, ordinances, and rules and regulations. The proposer must also describe its philosophy and procedures to ensure cleanliness and upkeep of equipment and work spaces.

Proposers must provide their methodology and approach or a service plan, to ensure that food and beverage services and catering services at the Facilities, are maintained at the highest quality level.

Good customer service is essential. The proposer must describe their approach to addressing unique needs, responding to complaints and evaluating customer satisfaction.

4. Other Technical Requirements

A) Proposals shall include an agreement to provide a Capital Reserve Fund equal to a minimum amount of 1.5 percent of Annual Gross Sales to fund repair, maintenance, and replacement of food/beverage service equipment, smallwares, computerized point-of-sale systems, and other leasehold improvements directly associated with the food/beverage service program. Such funds shall be placed in an interest bearing account owned by each operating entity within this contract to be used only under written direction and approval of such entity. Any funds unused during any year shall be carried forward with interest until the end of the agreement at which time all unused funds shall immediately become the property of the facility in question.

B) Proposer must include in its Proposal, the following information:

- Guaranteed Minimum Annual Rent
- Percentage Commission- shall be calculated as percentage of Gross Receipts in accordance with the bid percentage proposed.
- Buyout Provision– the successful Proposer may be responsible for any undepreciated food service Furniture, Fixtures and Equipment at the Miami Beach Convention Center.
- Proposer shall be required to provide and shall be the exclusive provider of Food and Beverage Services at the MBCC with the exception of Art Basel Miami Beach, the Proposer may not have the

exclusive right to provide Food/Beverage Services at the Convention Center, with the exception of alcohol sales.

- Waiver of Exclusivity: When requested by the City, the Proposer shall release exclusivity rights for catering, shall incur no costs and shall be entitled to collect a percentage of gross receipts (or such other lump sum fee as may otherwise be agreed upon between the Proposer and the City). Such percentage or other lump sum fee shall be considered a part of gross receipts for the purpose of determining rent. During City sponsored events, the agreed upon percentage commission to which the Proposer may otherwise be entitled, may be waived by the City.
- C) The Proposer must establish a marketing account into which shall be deposited, at the beginning of each contract year a minimum amount for promotion of the Miami Beach Convention Center. The Proposed minimum dollar amount, which is subject to negotiations, shall be spent, as agreed upon by the City. Should less than dollars be spent from this reserve marketing fund by end of any single contract fiscal year then such remaining sum in this account shall transfer to the City's Convention Center Marketing Fund.
- D) As additional consideration for the granting of the exclusive rights granted to Proposer under this proposal, Proposer shall propose to invest in capital upgrades for the Convention Center. The Proposer shall propose a plan to expend its own capital to improve the food and beverage operations at the Miami Beach Convention Center and at the "Other City Facilities". The plan may include renovations, changes, and/or modifications to improve the existing food and beverage locations and/or purchase and installation of additional furniture, fixtures and equipment. All equipment and improvements purchased under this capital investment commitment shall become the property of the City at the conclusion of the initial term of this contract at no cost to the City, unless specified in writing by Proposer and approved in writing by the City. Should any of the required capital investment specified not be expended after all directed improvements have been completed, then such funds will be transferred to the City's Convention Center Capital Fund.

The Capital Investment Plan shall be submitted to the City for approval within thirty (30) days of execution of the contract with Proposer.

E) Proposer shall propose a minimum amount of funds which will be contributed annually toward the City of Miami Beach Scholarship Fund offered to City of Miami Beach needy resident students pursuing a career in the field of Tourism and Hospitality Management, inclusive of food service management. Said minimum amount of funds will be subject to negotiations with the successful Proposer.

F) In the event of a hurricane or other natural disaster or emergency the Proposer shall be required to be able to provide the following:

- For a three (3) day period without electricity and water available from normal utility services, provide food, drink and drinking water for 1400 persons (three meals a day). Part or all of each meal to be heated, with hot beverages to be available with each meal. One half of the meals (700) to be high energy producing and 50% larger than the standard meals. One half of the meals to be standard and provide normal daily caloric intake.
- Proposer is to provide food, beverages, utensils, equipment and supervisory personnel for such operations.
- Proposer will be required to provide to the City, for the City's review and approval, a menu using the Proposer's normal inventory plus items normally used by the Proposer, so that the Proposer can assure delivery to the Convention Center within twenty four hours after order.
- All documented costs of supplies, food, labor, and materials used during a hurricane watch or warning, will be repaid to the Proposer by appropriate governmental agencies. The Proposer will be responsible for bearing all costs of possible extra inventory levels, preparation and planning.

G) Specific Brands/Sponsorships: The City reserves the right to require specific items, specific brands or specific shelf space to be devoted to brands sold at the convention center when an agreement is in place between the City and a vendor giving exclusive rights to serve a particular brand at City facilities.

6) Business and Creative Marketing Plan

The Proposer shall present a detailed operation, marketing and sales promotion plan for food and beverage concession services, catering concession services, and local catering at the Miami Beach Convention Center; selected representative menus, prices, portion size where applicable, and description from both formal and buffet catering; and growth potential and growth areas, including revenue projections for all food and beverage concession services and catering concessions services at the Miami Beach Convention Center.

Proposer shall submit examples of detailed marketing and sales promotion plans, which it has developed and utilized at similar facilities. The Proposer shall propose specialty food items, which it believes can work in Miami Beach as well as any other information, which can demonstrate its ability to deliver superior products and services.

Describe in detail how the services and their creative marketing program will be provided at *each* facility.

7) Compensation and Cost Data

Provide commission proposal for the following:

Miami Beach Convention Center

- Food and Non-Acoholic Beverage Sales
 - Catering/Banquet Sales
 - Concession Sales
- Alcoholic Beverage Sales
 - Catering/Banquet Sales
 - Concession Sales

Other City Facilities

- Food and Non-Acoholic Beverage Sales
 - Catering/Banquet Sales
 - Concession Sales
- Alcoholic Beverage Sales
 - Catering/Banquet Sales
 - Concession Sales

8) Evaluation Panel/Criteria

Specific factors will be applied to proposal information to assist the City in its task of selecting the most-qualified candidate or candidates for this Contract Agreement. A panel appointed by the City of Miami Beach will evaluate proposals. Oral presentations may be required of all Proposers. Proposer shall make best efforts to include key management personnel proposed for the facilities in all presentations to the City. The factors to be considered in the evaluation of proposals are listed below. While the City believes all these items to be of importance, they are listed in no specific order of importance.

A) Financial: (percentage = 30%)

- Financial capability to perform the services outlined in the RFP;
- Proposed commissions or services within maximum cost guidelines parallel to the goals and requirements of the City;
- Commission proposal and other additional financial considerations; and
- Provision of (availability of) daily financial data for each venue in a recognized GAAP format.

B) Experience and qualifications and Past Performance Based on Client Surveys: (percentage = 30%)

- Experience and qualifications of the Proposer in high-quality convention center, arena and/or restaurant food/beverage operations pertaining to catering /banqueting, concessions, special services, suite/club catering, bar services, restaurants, including VIP and other similar services;
- Management team's experience and qualifications; and
- Volume and quality of surveys submitted by clients.

C) Operational expertise and procedures: (percentage = 20%)

- Staff training/manual procedures;
- Approach to customer service and maintenance of quality standards;
- Ability to provide back-up management expertise on short notice;
- Cash control computer system and interfaces to be provided;
- Risk Assessment Plan(s); and

- Service Plan(s).

D) Business and Creative Marketing Plan (percentage = 15%)

- Business and Marketing plans as presented for both food and beverage and catering concession services.

C4
Comm. Committee
Assignments



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Richard L. Steinberg, Commissioner RLS/mt

DATE: April 11, 2006

SUBJECT: Referral to Neighborhoods/Community Affairs Committee regarding placing a Charter amendment on the November ballot to allocate funds to public education

I would like to request a referral to the Neighborhoods/Community Affairs Committee regarding placing a Charter amendment on the November ballot that would require 1% of the Citywide (non-RDA) Ad Valorem tax to be designated for enrichment of public education for Miami Beach residents. These funds should be spent on a pro-rata basis to enhance public education based on the number of Miami Beach resident students.

If you have any questions or comments, please feel free to contact my Aide, Ms. Marlene Taylor at ext. 6087.

RLS/mt

BY
CITY MANAGERS OFFICE

2006 APR -4 PM 4:30

RECEIVED

We are committed to providing excellent public service and safety to all who live, work, and play in our

Agenda Item CYA
Date 4-11-06

THIS PAGE INTENTIONALLY LEFT BLANK



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *by HJ for*

DATE: April 11, 2006

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE A DISCUSSION REGARDING THE 90-DAY TIME PERIOD WHEN ZONING IN PROGRESS STARTS AFTER A POSITIVE RECOMMENDATION FROM THE PLANNING BOARD AND THE SCHEDULE OF THE CITY COMMISSION MEETINGS.**

ADMINISTRATION RECOMMENDATION

Refer the item to the Land Use and Development Committee for discussion.

ANALYSIS

Pursuant to Section 118-168, zoning-in-progress applies from the time the Planning Board makes a favorable recommendation to the City Commission to adopt an amendment to the Land Development Regulations of the City Code. Zoning-in progress continues if the proposed amendment is adopted by the City Commission within 90 days of the Planning Board's recommendation.

Due to the change in the City Commission meeting schedule, and required public notice, it is possible that zoning-in-progress may be lost from the time the Planning Board makes a recommendation and the scheduling of the proposed amendment for City Commission action. Some proposed land development amendments may be adopted with only two readings of the title and one public hearing, but others require two public hearings where different required public notice is necessary. To provide an example, there are certain amendments that change the list of conditional, permitted or prohibited uses that may require a 30-day mailed notice before the item could be brought to the Commission. When this happens, potentially more than 90 days may pass from the favorable recommendation of the Planning Board before the City Commission can act upon the amendment.

For these reasons, it is suggested that the time period between a favorable recommendation from the Planning Board to the adoption by the City Commission should be amended from the existing 90 days.

CONCLUSION

The Administration recommends referring this item to the Land Use and Development Committee for further discussion.

JMG/TH/JCG:ML

T:\AGENDA\2006\april\06\consent\Referral to LUDC zoning in progress.doc

Agenda Item C4B
Date 4-11-06

THIS PAGE INTENTIONALLY LEFT BLANK



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For SMC staff review

DATE: April 11, 2006

SUBJECT: **REFERRAL TO THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE – MARINE AUTHORITY BOARD MOTION THAT A TEMPORARY FACILITY BE ESTABLISHED NEAR ISLAND VIEW PARK TO ACCOMMODATE AS MANY VESSELS AS POSSIBLE.**

ADMINISTRATION RECOMMENDATION

Refer the item.

ANALYSIS

At the December 13, 2005, Marine Authority Board meeting, a motion was passed that a temporary anchoring facility be established near Island View Park to accommodate as many vessels as possible in that area. The motion was amended to look into establishing another additional temporary anchoring site and permanent mooring field area as well. The minutes of December 13, 2005, meeting are attached for your view.

The Administration is recommending the referral of this item for additional discussion at the Neighborhoods/Community Affairs Committee.

JMG/HMF/VP

Attachment

T:\AGENDA\2006\apr1106\consent\ReferralNeighborhoodsAnchorageArea.doc

Agenda Item C4C
Date 4-11-06

CITY OF MIAMI BEACH

MARINE AUTHORITY MEETING 12/13/05

Attendance:	Bunny Patchen	Marine Authority
	Joel Aberbach	Marine Authority
	Ira Nusbaum	Marine Authority
	Donald Blechman	Marine Authority
	Tasha Byars	Code Compliance Division
	Mercedes Davila	Code Compliance Division
	Alfredo Perez	Code Compliance Division
	Jonathan Kroner	Beach Preservation Board
	Christian Folland	Beach Preservation Board
	Ana Cordero	Beach Preservation Board
	Claire Callen	Beach Preservation Board
	Jerry Marsch	Beach Preservation Board
	Jordanna Rubin	Environmental, PW
	Clotilde Luce	BPC, resident
	Lisa Botero	Environmental Division, BPC
	Jose Damien	Asset Management

Meeting called to order at 9:15 am by Bunny Patchen, Vice-Chair of the Marine Authority Board.

The Board proceeded to review the minutes. Bunny Patchen pointed out one necessary correction from the November 8th minutes. The minutes were unanimously approved.

Night Kayaking to Monument Island

The Board reviewed the memo provided by the City Attorney, Donald Pappy. The document stated that there should be no commercial business from Purdy Street ramp. Individual renters are able to take their kayaks over to the ramp, but the proprietor can not conduct their business from the ramp, which is on City of Miami Beach's property.

Boucher Brothers

Boucher Brothers came before the Board in reference to their contract renewal. Members of the Beach Preservation Board were present. Jose Damien from the Office of Asset Management who also oversees the beach front concessions for the City of Miami Beach opened this item. Mr. Damien stated that this item needed to be discussed before the January 11th City Commission meeting. He then provided the Board with a brief synopsis of the Boucher Brothers concession agreement on the beach.

Boucher Brothers tenure began in November 2001. Part of this agreement provided that the City of Miami Beach would meet with them on a regular basis to get a handle on how they were doing, whether the services the City asked them to do were being provided appropriately, whether they were making payments on time and were there any changes

that needed to be addressed in the first five year period. According to Mr. Damien, the agreement with Boucher Brothers was recently amended regarding their financial and operational concerns which the City Commission approved.

The only item, their reason for coming to the Board, is some added value activities that the Boucher Brothers are bringing to the City to see if they would like to participate. Some examples are donating money to scholarships for the City, environmental programs, also bringing additional elements which they are responsible for like sifting of the sand in the vicinity of the concession areas and possibly assisting the City in supervising some of the Parks' side with regard to cleanliness, maintenance and upkeep. Boucher Brothers are willing to do all of these items with no costs to the City of Miami Beach.

Boucher Brothers' current agreement is a five year agreement (from November 2001-2006) with an option to renew for another five years. The agreement provides that a year prior to the expiration, Boucher Brothers need to give the City notice of their desire to enter the second option. There is a period of negotiation which is permitted that can begin no later than May 2006.

Since the contract has been recently amended, the City doesn't see a need to amend the contract again. Boucher Brothers would simply like to be a part of the process of implementing these items. They went to the Finance Committee who then recommended they go before the Marine Authority Board. Mr. Damien stated that what Boucher Brothers is asking is if the City of Miami Beach would like them to provide some additional services and/or monies that can be earmarked based on recommendations from both the Marine Authority Board and the Beach Preservation Board. They also want to know whether or not there are any outstanding issues the City could look into before finalizing the second option.

Bunny Patchen pointed out that Beach Preservation informed the Marine Authority Board that the Boucher Brothers are not following the operational regulations as stated in their initial contract. They are conglomerating all of their chairs in one section and not separating them. Mr. Damien stated that they have not had any problems with regard to water sports and any other issues have been taken care of efficiently by the Boucher Brothers. He also stated that there have been problems outside of the Lummus Park area with some of the hotels that are serviced by Boucher Brothers and other companies. The contract that the City of Miami Beach has with Boucher Brothers is for Lummus Park only.

Both Boards continued to discuss their concerns regarding Boucher Brothers' operations as it pertains to the contract. They also further reviewed the added value items presented by Boucher Brothers. Both Boards agreed to have another meeting together with Boucher Brothers before January 11th.

The Marine Authority Board motioned to approve Boucher Brothers and recommended that all water sport equipment be identified with the vender's name and contact number.

If the motion passes, it should become part of the record and be sent to Jose Damien's office. The motion was seconded and then amended. The amended version stated that to only include a visible, identifiable mark of ownership on the vehicle and removed the phone number. This motion was seconded and passed unanimously.

Establishment of a municipal mooring field

Jordanna Rubin was present to discuss whether or not the City of Miami Beach needs to establish an anchorage area. She stated that she was there to provide the Board with options for this issue. One thing she said they were looking at is the area off of Island View Park which is City owned. Ms. Rubin gave a briefing on why this area was being considered and the necessary steps involved. She informed the Board that if this area is used a restroom facility will be required in Island View Park and a drinking water facility will be constructed within the next 6 months. She also stated they would need someone to manage anyone coming in and registering. Jordanna Rubin attempted to give a summary of what the project could cost as well as how long it could possibly take to complete it.

Another option was whether or not they needed a temporary facility. Ms. Rubin stated that she checked with the required Departments, including DERM, and they are okay with this suggestion. One point the Board brought up is aside from the issues of time and money, the location was also a concern. The Board proposed a few areas and further discussed the topic. They also suggested a time limit on how long someone can leave their vessels attached to the temporary facility.

Jordanna Rubin informed the Board that she needed a motion with their suggestion regarding an anchorage area which should include all of the factors previously discussed. The Board discussed establishing a mooring field as presented and were also in favor of the temporary mooring field for the meantime, but wanted to decide in the next meeting about the size and location. Jordanna Rubin told the Board to keep in mind that a larger temporary facility would mean more boats would not have to abide by the new City ordinance by being at the temporary site. Donald Blechman motioned that a temporary facility be established near Island View Park to accommodate as many vessels as possible in that area. The motion was seconded. The motion was amended to look into establishing another area as well. The motion passed unanimously provided that a permanent area be sought and established as presented.

Discussion Items

The Board decided not to review their future activities in this meeting.

The Board motioned that a sign be placed on all City of Miami Beach ramps which cautions that it's slippery and possibly dangerous. The motion passed unanimously to have this at all City owned ramps.

The Board motioned to adjourn.



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission
FROM: Jorge M. Gonzalez, City Manager For JMG *[Signature]*
DATE: April 11, 2006
SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE –
HISTORIC PRESERVATION BOARD RESOLUTION PERTAINING TO THE
TRANSFER OF DEVELOPMENT RIGHTS (TDR'S).**

ADMINISTRATION RECOMMENDATION

Refer the item to the Land Use and Development Committee.

BACKGROUND

On March 14, 2006 the Historic Preservation Board adopted a Resolution urging the City of Miami Beach Planning Board to study and consider Ordinance Amendments pertaining to the following:

1. Providing a mechanism for allowing greater variations in density and floor area in the North Beach area.
2. Providing options for the utilization of unused FAR in the Flamingo Park Local Historic District such as Transfers of Development Rights (TDR's).
3. Other development tools, alternatives and incentives to address the larger issue of excess FAR that cannot be utilized due to historic constraints on certain properties.

The Administration is recommending that the Commission refer these items to the Land Use and Development Committee for further discussion.

[Signature]
JMG/M/JGG/TRM

T:\AGENDA\2006\apr1106\consent\Referral Land Use - HPB Reso TDRs.doc

Agenda Item C4D
Date 4-11-06

THIS PAGE INTENTIONALLY LEFT BLANK



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: Jorge M. Gonzalez
City Manager

FROM: Saul Gross
Commissioner

DATE: April 6, 2006

RE: Agenda Item

Miami-Dade County recently adopted an ordinance requiring gas stations to retrofit so they are in a position to install generators to pump gas within twenty-four hours of a major hurricane.

10 of the 15 gas stations in Miami Beach are legally non conforming. This means the owners may not be legally permitted to undertake major improvements to their gas station.

Please refer to the Planning Board the issue of how to make the existing gas stations legally conforming and to establish a conditional use process for the substantial renovation of these existing gas stations or for new gas stations that wanted to open in our City (with a distance separation from existing stations).

Agenda Item CYE
Date 4-11-06

THIS PAGE INTENTIONALLY LEFT BLANK



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: Jorge M. Gonzalez
City Manager

FROM: Saul Gross
Commissioner

DATE: April 6, 2006

RE: Agenda Item

Please refer to the Land Use Committee a discussion about whether to retain the .5 FAR bonus in the existing zoning code for mixed use developments. I would recommend abolishing the bonus. If there is a sentiment to retain the bonus, its use should be restricted to providing Work Force Housing .

Agenda Item C4F
Date 4-11-06

THIS PAGE INTENTIONALLY LEFT BLANK



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: Jorge M. Gonzalez
City Manager

FROM: Saul Gross
Commissioner

DATE: April 6, 2006

RE: Agenda Item

Please refer to the Planning Board a proposal to limit (to three or four), the number of lots that can be aggregated in one development site, as a way of preventing buildings out of scale with the character of the neighborhood in Sunset Harbor.

Following implementation in Sunset Harbor, the Planning Board should study the use of lot aggregation restrictions in other neighborhoods as well, such as the Bass Museum.

Lot aggregation restrictions have already been used effectively in the West Avenue overlay district the Commission adopted last year and on the east side of Ocean Drive south of 5th Street.

Agenda Item C46
Date 4-11-06

THIS PAGE INTENTIONALLY LEFT BLANK



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: Jorge M. Gonzalez
City Manager

FROM: Saul Gross
Commissioner

DATE: April 6, 2006

RE: Agenda Item

Now that heights are being lowered in the RM-1 district to 35 feet, I would like to refer to the Planning Board the corresponding lowering of heights in the abutting CD-1 and CD-2 districts from 50 feet to 40 feet.

Agenda Item C4H
Date 4-11-06

THIS PAGE INTENTIONALLY LEFT BLANK



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG [Signature]

DATE: April 11, 2006

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON WEDNESDAY, FEBRUARY 22, 2006.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Wednesday, February 22, 2006, at 2:30 pm in the Commission Chambers. Commissioners in attendance: Luis R. Garcia Jr., Richard L. Steinberg, Jerry Libbin, Matti Herrera Bower, and Saul Gross. City staff in attendance: Hilda M. Fernandez, Assistant City Manager; Robert C. Middaugh, Assistant City Manager; Fred H. Beckmann, Public Works Department Director; Jose (Joe) Damien, Asset Manager; Jorge Chartrand, CIP Director; Jimmy McMillion, Neighborhood Services Special Projects Coordinator; Jordanna Rubin, Public Works Environmental Construction Manager; Raul Gonzalez, Field Monitor; Harold Foster, Marlene Taylor, Margarita Alcon, Office of the Mayor and Commission; and Randi MacBride, Neighborhood Services Department.

1. DISCUSSION REGARDING THE ISSUANCE OF A NEW REQUEST FOR PROPOSALS FOR THE MANAGEMENT AND OPERATION OF 1) GREEN (FARMERS) MARKET ON LINCOLN ROAD; 2) STREET MARKET ON ESPANOLA WAY; 3) STREET MARKET IN NORMANDY VILLAGE; AND 4) ANTIQUE AND COLLECTIBLES MARKET ON LINCOLN ROAD.

Joe Damien, Asset Manager, explained that approximately two years ago, the office of Asset Management took over the management of the street market contracts for the city which historically had been permitted under the special event permits. The City prepared an RFP approximately two years ago and after a selection and evaluation process the Commission granted authorization for the City to negotiate four separate market agreements; the Antique and Collectibles Market, with a company called Productions Sud headed by Louis Bondi and Tony Angione, and three separate contracts with the Market Company headed by Claire and Don Tomlin to operate the Espanola Way Street Market, the Normandy Village Street Market, and the Farmer's Market on Lincoln Road. Mr. Damien stated that the reason this item is being brought before the Committee is that the Administration is seeking direction on how to proceed with the future market RFPs, if at all. Issues seeking direction include whether to keep the markets in their same locations, whether the product mix at these markets should remain the same and whether there is still a need to have these markets the way they are in place today as these markets were originally brought to the forefront in an effort to bring business to these individual merchant communities. All agreements end this year. Mr. Damien also explained that there are merchants that are supportive of the markets and those that are not so supportive.

Agenda Item C6A

Date 4-11-06

Diane Granoff expressed shock that the shops are concerned that the markets are receiving complaints. She then compared the markets to what goes on in New York City and spoke of the benefits of having the vendors nearby for the merchants. Tourists and residents are drawn to these markets. She spoke highly of the work done by Lou and Tony and supports the Antique Market and believes it is an asset to the city.

Commissioner Libbin asked Ms. Granoff if the Antiques Show was relocated, would it still draw her to visit. Ms. Granoff replied that she would attend it anywhere because it is what she does.

Commissioner Gross asked that speakers think of a possible win-win situation if one exists.

Harold Unger introduced himself as a retired physician whose wife has had her own antique business for the past 35 years. The location of the antique show benefits from the restaurants and stores. The landscaping is conducive of a true outdoor market that it is a comfortable environment. He believes it is a true jewel for the city and strongly supports that it remain in this location.

Nancy Liebman spoke in favor of the markets. She suggested that moving the event is not a consideration because of the true value to the residents and that moving them off of Lincoln Road should not be considered because of the value of this market.

Robert Deardorff, a merchant owner of a vintage clothing store on Lincoln Road said that he welcomes the market as a true benefit to his business and to his customers. He believes that although the market could be relocated to another area of Lincoln Road, he requested that the market not be relocated off of Lincoln Road.

Daniel Vetia of the North Beach Development Corporation came to speak on the Normandy Village Market. The market is vital and helps the restaurants in the area which are still struggling. This type of activity benefits the area and the residents. He would like to request that the market be allowed to stay as the market attracts people to the area.

Lisa Kirchmayer spoke on the positive effects and benefits to the Lincoln Road community from the market. There is a true benefit by having your competition close to you.

Tony Angione and Louis Bondi, representing the Lincoln Road Market, spoke on the history of the market from its origin. Mr. Angione highlighted the exposure that the market brings to the city of Miami Beach and showed some of the articles to the board that he had with him. Mr. Angione and Mr. Bondi stated that there is a need for this special event to attract tourists. The market is known throughout the world. Being there twice a month keeps them coming back. The market advertises at a cost of \$1,500.00 per show, and they always include the words "Lincoln Road" in their advertisements. Many people have come to review their process and use it in their own communities. The fact the Miami Beach is an historic district also attracts people to the area and to the market.

Mr. Angione and Mr. Bondi expressed that the current location is a little cramped and there are better places on Lincoln Road to locate the market. They would prefer being on the 1000 block of Lincoln Road, and Michigan Avenue which has wider sidewalks and would prove to be a better location. They have spoken to merchants in the area and they would be receptive to the move. They also requested that some

road closures may benefit the location. They have been in this location in the past and it proved to be more successful.

Commissioner Saul Gross spoke of the recent Finance Committee meeting where the people in attendance were largely merchants from Lincoln Road who were strongly against the market and that we have a completely different group of people in attendance at today's meeting. Commissioner Gross polled the audience as to why they were attending this meeting.

Glenn Boyer, representing the owners of the building at 420 Lincoln Road spoke of the changes to the block and the new tenants to his building that have some conflicting concerns. He stated that some of the merchants are backed up to the side of the building he represents. This has caused some issues. They support the market but would like to have the market relocated to the 200 or 300 blocks as the structure of the sidewalks being 30' to 40' wide should be a true benefit to the merchants.

John Reubens stated that he is a resident and property owner on Ocean Drive and has been on both sides of this issue. Mr. Reubens requested that the market stay on Lincoln Road.

Mrs. Reubens presented the article in the American Way magazine promoting the Lincoln Road Market. The article mentioned other sites in Miami-Dade County but the majority of the article was on the Lincoln Road Antiques Market.

Romina Encio of Abbott Flowers from Normandy Market explained that she is in favor of the market however her main concern is that she is not allowed to place all of her wares at the market. She owns her own flower shop less than forty feet away and she has a booth in the market. She has many items in her shop that she is not allowed to sell in the market. Commissioner Garcia asked for a clarification with regard to zoning as to why this merchant would not be able to sell their wares on the sidewalk in front of their store. Jimmy McMillion, Special Projects Coordinator, explained that merchants are not allowed to sell on public property in the City. Commissioner Steinberg reminded everyone that Abbott Florist was allowed access to the market in order to compete directly with the other vendors. However, what he understands her to say now is that some of the items she would like to sell are of a different category than what she is permitted to sell in the market.

Ms. Encio requested that she be able to bring all her items to the market. Commissioner Garcia expressed his concern that free competition is not being allowed and does not think that these types of limitations should apply in any future contracts. Joe Damien clarified that the issue here is that the items she desires to sell are allowed to be sold in the market, however she is not being allowed to add these items by the market management company.

Claire Tomlin of the Market Company addressed the concerns and explained why she would like to control the product mix at the market. She stated that if everyone sold the same items, the market would lose its customer base. Additionally, Abbott Florist has the ability to sell their orchid plants for a substantially lower price than the other vendors. Commissioner Garcia stated his concern that the only one losing is the consumer. Commissioner Gross suggested that the Committee should not micro-manage the market.

Paula Ockner stated that the Lincoln Road Antique and Collectibles Market is incomparable and a memorable slice of life in Miami Beach. Ms. Ockner doesn't think that anything that isn't broken should not be fixed.

Raul Encio, owner of Abbott Florist is happy with the competition. He is concerned however that the market is too close to his store. Many times customers come back to him during the week to return something that they have bought from another booth in the market thinking that they had purchased the item from his store.

David Kelsey, South Beach Hotel and Restaurant Association, agreed at the last Finance meeting to do a quick survey of the restaurant members as to whether there was support for the markets. The result supported his claim in that out of the 30 restaurants surveyed, 17 surveys were returned with another 7 answered verbally, that the markets should stay. These markets are essential to bringing people out, especially to Lincoln Road on Sundays. Mr. Kelsey also stated that he doesn't think it should be necessary to do a new RFP and that the city should just renew the agreements.

Commissioner Libbin noted that there was no mention of the Espanola Way market and really the only negative comment was the 400 block of Lincoln Road. The City should be able to move forward with regard to the Espanola Way, and Normandy markets with either an extension or RFP, if that is required. When the Normandy market contract or discussion is done, Commissioner Libbin believes the Commission needs to make it clear that the local stores ought to have priority and that they should not be shut out of a particular product. Commissioner Libbin also stated that after hearing only support for the Farmer's Market, it should also continue to move forward. The only issue is whether the Antique and Collectibles Market would be better served by moving to the 1000 block of Lincoln Road. Commissioner Libbin stated he is in favor of renewing the contract, if that is an option and if not then move forward with an RFP.

Commissioner Gross asked for a suggestion from the Administration that if we want to keep the market on Lincoln Road, what would be the best way to minimize the inconvenience to the retailers and still have a win-win situation.

Joe Damien stated that he believes that the best approach would be to sit down with the sidewalk café approvers (Public Works) to see what kind of coverage is available with sidewalk cafes and look at the west side more closely. The key is to find the areas of Lincoln Rd that are less congested and will probably not become congested.

Commissioner Bower recalled that when the Market began, it was more spread out in conjunction with the green market making for a nice walk. Commissioner Bower suggested keeping the Market where it is now on Lincoln Road and moving some of it to the west end to encourage people to walk the entire distance.

Commissioner Steinberg stated that the three farmer's markets; Lincoln, Normandy, and Espanola seem to be moving fine and that staff should be directed to deal with location. Staff will have a better idea as to what location is best and what is available for the other market. The commission would be ill advised in waiving the competitive bid process with a 5/7 vote and should go ahead and issue the RFP while getting direction from staff to deal with issues that have been raised here today such as location and with the vendor in North Beach.

Commissioner Garcia expressed that he believes that moving the market to the west side is a good idea. The market contributes to the flavor of the City and brings different people that may not normally come to Lincoln Road. It makes Lincoln Road a destination and it belongs there. With regards to the Normandy Market, Commissioner Garcia said that he goes there almost every weekend and wishes it was more eclectic, and bigger. He believes in healthy competition.

The Committee moved to direct staff to issue the RFPs, get direction from staff as to how to deal with issues that have been raised, such as location of markets and those of the vendor in North Beach and how best to deal with issues such as these in the future. The Committee also moved to allow for month-to-month extensions until the RFP process is completed. Commissioner Gross asked if the ability to adjust location during the agreement can be written into the agreement for flexibility. Motion carried unanimously.

2. DISCUSSION REGARDING LINCOLN ROAD PRESSURE CLEANING.

Fred Beckmann, Director of Public Works, explained that this issue was brought up by Commissioner Bower to regulate the pressure cleaning on Lincoln Road by business owners. At this time, the Sanitation Division pressure cleans Lincoln Road and sections of the roadway starting at approximately 5:30am and typically finishes by approximately 9:30am. In areas where sidewalk cafes are operating for breakfast, the City will do that very early in the morning, finishing by about 7:30am so as to not impact those businesses. It has been observed that in some cases café owners are using their own contractors to clean their own areas. As those are unregulated, they may do it at times that impact other businesses or pedestrians. Their licenses require them to clean however it does not make specific reference to the timeframe.

Commissioner Steinberg asked if there is a reason not to ask them to do it in the early morning hours, such as before 6:00am. Mr. Beckmann said it would be reasonable to have it done by 7:00am. Mr. Beckmann continued that he will bring this discussion to his next meeting with business owners on the sidewalk café ordinance revisions, where he would suggest a cleaning time between 2:00am and 7:00am. Commissioner Steinberg said that he is fine with this as long as there is no collateral issue, such as residents being awakened or business owners saying it is a major cost increase.

Commissioner Bower explained this is an important issue for the residents and visitors that frequent the cafes.

The Committee moved that the issue be discussed at the next meeting of the sidewalk café owners and brought back to this committee with a recommendation.

3. DISCUSSION REGARDING ALLOWING DOGS TO USE THE BEACH FOR SWIMMING, NORTH OF THE SOUTH POINTE PIER.

Robert Middaugh, Assistant City Manager, explained that since the last meeting that staff has found what may be a more acceptable alternative. He pointed out an area near the old boat basin which may be able to be captured for dog access to water. He continued that it is probably maintainable at a reasonable cost moving forward and it is less troublesome in terms of access directly into the cut as it is off the channel area so it is a little less subject to currents. Mr. Middaugh reminded the Committee that previous ocean access options are still up for discussion and we still can discuss permits, fees and whatever kind of operational requirements that may be considered.

Roby Greer of Responsible Dog Owners of Miami Beach asked that in addition to the area described by Mr. Middaugh, that the City consider a pilot program allowing people to bring the dogs to the main beach, much like Fort Lauderdale. Mr. Greer also asked that the City consider an extension of the program for the dogs on the beachwalk.

Fred Beckmann reviewed the issue of the pilot program for the beachwalk. He explained the outreach that was done to the neighborhood in the area including Il Villaggio and Decoplage and the Hotel Association. The results of observations remain the same as reported last meeting, in that there is a lot of animal waste in the landscape areas, on the beachwalk and on the dunes. As this is a health and safety issue for everyone, the staff recommendation has not changed; it is recommended that the pilot program be terminated until such time that a more workable plan can be developed.

Commissioner Libbin asked when the City is cleaning the beachwalk. Mr. Beckmann answered that the cleaning people work in that area from 6:00am until 3:00pm.

Commissioner Gross asked why the beachwalk is distinguished from Lummus Park. Mr. Beckmann answered there are two ordinances (City and County) that do not allow dogs on the beach. Lummus Park is not considered the beach. Mr. Middaugh elaborated that the beachwalk is a confined corridor whereas Lummus is expansive and there is greenspace. There is no greenspace at the beachwalk for dogs.

Commissioner Gross added his thought that as the beachwalk expands to 88th Street it would be great if people would be allowed to walk the entire length with their dogs. He also described his visit to the boardwalk recently and the filth he witnessed from human waste and litter, yet we are not considering denying human access.

Yvonne Conza of "Woof Patrol" described the concept of her program to work together with the City. Woof Patrol is a branch of Responsible Dog Owners of Miami Beach. "Leash up and pick up" is the program's motto and they are contacting businesses, hotels, and people with this message.

Harry Martin, resident, offered a petition asking that the pilot program not be ended. Of the 100 people that he and his wife personally met only two would not sign. He spoke of other types of maintenance issues not being addressed on the beachwalk that don't have anything to do with the dogs.

Lisa Balaam, resident, read a portion of her children's book she authored called "Abby the Cabby in Miami Beach". She described how she wrote this book from her balcony watching the beachwalk, its beauty, and the dogs.

Alex Kennedy described her many happy times on the beachwalk and how she was devastated when she could no longer take her dog to swim.

Ken Kewly described how appalled he is that the community is not embracing dog owners.

Diane Mandell, member of the Responsible Dog Owners of Miami Beach, describes her daily interactions with residents and visitors while walking her dog.

Chris Bungo who does not own a dog, has never owned a dog, and does not plan to own a dog is in total support of what the people are here for today. He also stated that he has never been surveyed and wonders who really was surveyed.

A representative of Il Villaggio's board stated that their official position is they are in full support of a pet friendly beach. Additionally, she stated that they were not surveyed either.

Jo Manning, president of the Drake Condominium, stated that they were not surveyed and they are a pet friendly building and asked that the beachwalk remain pet friendly.

Francine Siegel described her Maltese as an "Ambassador of Miami Beach". When she is walking her dog, she is providing directions to visitors. Miami Beach is well known as a pet friendly city so let's make it better.

Commissioner Bower recognizes that there are many dog owners that still do not pick up after their pets and their dogs are not on leash. Since the people in attendance are saying they will be more aggressive in trying to educate, Commissioner Bower thinks that there should be an extension, maybe six months or one year, and allow this group the time to work their education process.

Commissioner Libbin asked what measurements will be used to evaluate the success or failure of the pilot program.

Mr. Middaugh explained the cleanliness index that has been implemented to look at key areas and monitor how well the City is performing sanitation services is an available tool. One of the areas looked at is the beachwalk by people that are trained to look for a variety of things. Things that are monitored include organic matter, fecal matter whether it be animal or human, and litter. The area is then scored. Through this monitoring a quarterly report is issued to quantify the results.

Commissioner Gross asked why the City does not issue tickets to people for not picking up after their pets especially at the beachwalk where the City has security guards patrolling the area and would certainly be able to observe this type of occurrence.

Mr. Middaugh explained that the current citations are issued by police. The code officers and security guards are not empowered to force individuals to produce identification. Commissioner Gross asked if there is some type of legislation that he would be happy to sponsor that would stop people from littering or picking up after their dogs and would empower code officers or security people to enforce it. Commissioner Bower would like to co-sponsor something like this.

Commissioner Libbin stated he has no problem with the shell beach near the boat basin and that it is a great solution. He continued that he is less enthralled with the idea of going on to the ocean beach at this point in time.

Committee moved to approve the shell beach location as presented.

4. DISCUSSION REGARDING THE PILOT PROGRAM TO ALLOW DOGS ON THE BEACHWALK.

(For discussion, see item 3 above.)

The Committee moved to go to the full Commission with a recommendation of a six month extension of the pilot program allowing the dogs on the beachwalk, to include specific criteria as to how success or failure will be measured during or at the end of the six month period, and have a plan of action as to how the Administration is going to deal with the issue. Additionally, the Committee moved to have legal look into the authority and ability to ticket for both litter and not cleaning up after pets.



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
HAROLD UNGER, MD	IMAGINATION VOL.	305-534-2214	pappap088@aol.com
CAROL RYE UNGER	"	305 534 2214	"
Deane Granoff		(305) 673-5515	
Glenn Stern	Yesterday Once More	(305) 891-7838	Glennstern@aol.com
Barbara Allen	Yesterday Once More	786 853 0091	BarbaraAllen@aol.com
Alex Kennedy	Southpoint Park	3/534 2068	staxgreen@earthlink.net
Steven Adams	12 Village	535-2498	SBALAM@BARRACUDA.COM
Isa Balam	16 Village	---	STEVENS.BALAM@BARRACUDA.COM
Frank Lakin	Responsible day manager M.B	305-672-7667	franklakin@barracuda.net
Bob Rinaldo	1500 Ocean Drive Responsible day manager M.B	305-532-2697	



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
Wendy Jo Penard	1500 Ocean Drive	305-532-2697	
Theresa Thompson	1500 Ocean Drive	786-276-7331	NRN323@aol.com
Wanda Conza	1500 Ocean Drive	917-847-2854	
Suzanne Stolar	1500 Ocean Drive	305-673-8172	
Louis Bondi	1360 Huesse Collection	305-864-8546	SPARK FOR E HOTMAIL.COM
Rony Anguine	Production Sued	305-754-1008	TONY@BAYC BELL SOUTH.NET
Sandra Rodriguez	420 Lincoln Road	305-531-5220	305-531-5220
Joseph Brinkmann	414 Lincoln Rd	786-279-1998	305-672-9899
Mike Blach	1390 Ocean Dr	305-321-0184	WKK@WIRELESS.COM
Mae Greenberg	12035 14th Ave	305-372-6533	mae-ven@bellsouth.net



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
John Reuten	1390 Ocean Dr (President)	305-803-1112	JohnReuten@jrcg.org
Romina Encio	Abbott Klorist 1008 - 71st	(305) 865-9808	Abbott71st (2) 2001.com
Raul Focio	Abbott Focio 1008 91st	305 865 9808	
Chris Bungs	1500 Ocean Dr #907	305-677-7335	
Jo Manning	1460 Ocean Road #408	305-538-3270	drmwk@jman.com
Carolyn Nichols	1500 Ocean Dr #505	305-673-0670	
Ann Tobey	" " 407	786-276-2578	
Paula Otker	9751 E. Bay Harbor Dr #209	305 866 7255	
La Chana M.O.	9751 E. Bay Harbor Dr 1001	305-866-7255	
FRANCINE SIEGEL	1500 Ocean Drive #1208	305 695 8511	



MIAMIBEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
LISA KIRCHMAYR	1500 OCEAN DR #1210	305-491-3767	
DON TOMLIN	THE MARKET COMPANY	305-531-0038	
CLARE TOMLIN	"	"	
DAK Myle			
BARBARA FRANK		305-674-9796	
AUGUST TREMAI	RDO'S M.B.	305-606-4299	ilhetimad@del.com
KERRY NICHMAN	Citizens	305-558-0882	nanlieba@aol
ROBERT DEARDORFF	FLY Boutique	305-604-8508	
Marie Cunningham	Dog Owner - Resident		
JOE DAMIEN	CMB - ASSET MGMT	305 673-7193	JoseDamien@miamibeachfl.gov



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
Judanna Rubin	Environmental, Pw	x6121	JRubin@MiamiBeachFL.gov
Fred Beckmann	PWD	X6012	Abeckmann@MiamiBeachFL.gov
Joe Fontana	W.B. Condo Alliance	305-861-0054	305-861-0054
Raul Gonzalez	Economic Dev.	X12548	RaulGonzalez@MiamiBeachFL.gov
Randy Macbride	NEIG Svc	61629	RMACBRID@MiamiBeachFL.gov
Harold Foster	Off of J. Libbin		
Marlene Taylor	Mayor's Commission Office	x6087	marlene.taylor@miamibeachfl.gov
Marguerite Alcon	" "	6437	
Samuel Celis	27 Road + Road. Ave.		
JIMMY MEMINIO	CAMP - NEIG-SVC.		



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
R. Mordough	CMB	7010	
J. E. Chalkley	CMB		
Hilda Hernandez	CMB		
Jerry Libbin	CMB		
Richard Steinberg	CMB	7103	
Luis Garcia	CMB	7105	
Saul Gross	CMB	7104	
Matthew Lerner			

THIS PAGE INTENTIONALLY LEFT BLANK



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG [Signature]

DATE: April 11, 2006

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON WEDNESDAY, MARCH 22, 2006.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Wednesday, March 22, 2006, at 2:30 pm in the City Manager's Large Conference Room. Commissioners in attendance: Luis R. Garcia Jr., Jerry Libbin, Matti Herrera Bower, and Saul Gross. City staff in attendance: Jorge M. Gonzalez, City Manager; Hilda M. Fernandez, Assistant City Manager; Robert C. Middaugh, Assistant City Manager; Floyd Jordan, Fire Chief; Donald Papy, City Attorney; Judith Weinstein, First Assistant City Attorney; Eric Yuhr, Assistant Fire Chief; Max Sklar, Cultural Affairs and Tourism Development Director; Jimmy McMillion, Neighborhood Services Special Projects Coordinator; Gus Lopez, Procurement Division Director; Dennis Leyva, Redevelopment Specialist; Vincent Andreano, Ocean Rescue Division Chief; Richard McKinnon, Lifeguard; Harold Foster, Margarita Alcon, and AC Weinstein, Office of the Mayor and Commission; and Randi MacBride, Neighborhood Services Department.

1. DISCUSSION REGARDING AMENDING CITY CODE FOR THE PURPOSES OF EXPANDING THE TYPES OF TRANSACTIONS IN WHICH THE CITY MUST PROVIDE NOTICE OF ITS CAMPAIGN FINANCE LAWS.

Item deferred to the next Neighborhoods/Community Affairs Committee meeting.

2. DISCUSSION REGARDING THE "DRIFT" BY THE ARTIST INIGO MANGLANO-OVALLE TO BE COMMISSIONED FOR PLACEMENT IN SOUTH POINTE PARK, AS RECOMMENDED BY THE ART IN PUBLIC PLACES COMMITTEE.

Mariangela Capuzzo introduced herself as the newly appointed vice-chair of the Art in Public Places Committee and Ilija Mossdrop introduced himself as a member of the same committee. Max Sklar, Cultural Affairs and Tourism Development Director, gave a brief overview of the process in selecting the "Drift" as detailed in the agenda package, as well as explaining the intended purpose of the artwork. He also displayed a small scaled model of the project.

Commissioner Bower remarked that the project is beautiful; however her concern is whether the piece can be "graffiti free". Mr. Sklar explained that the medium is marble that will be treated to minimize the graffiti; however this will not prevent the graffiti. He mentioned that there is a recommended product that may be used if and when it does happen. Mr. Sklar also addressed the issue of someone being able to

Agenda Item 26B
Date 4-11-06

climb on the structure by explaining that marble is very difficult to climb and the design of the structure itself also makes it very difficult to climb.

Commissioner Bower expressed concern with the cost of maintenance related to graffiti and Commissioner Garcia agreed with her concern with the issue of graffiti and climbing.

Ms. Capuzzo reminded the committee that graffiti and maintenance are always a concern in public art, however it will be treated to minimize problems.

The Committee moved to conditionally approve the project pending the satisfactory testing of the removal of graffiti from a sample piece of the proposed marble.

3. DISCUSSION REGARDING THE LOCATION OF LIFEGUARD STANDS ON THE MOST CROWDED PORTIONS OF OUR BEACHES.

Commissioner Libbin introduced the item and explained that he had originally asked for information from the Administration to ascertain the number and locations of drownings at our public beaches so that we could determine if we have sufficient number of lifeguard stands, whether they are in the right locations and whether we should be looking at reallocating resources.

Jorge Gonzalez, City Manager, introduced the information provided at the request of Commissioner Libbin (see memo attached).

Commissioner Garcia stated that he believes the beach belongs to the people and that the people that pay the most tax to live near the water are the ones not getting the protection. He thinks that the coverage should be evenly throughout the whole coastline.

Eric Yuhr, Assistant Fire Chief, explained the analysis process that his department has gone through since Ocean Rescue merged with the Fire Department in May 2004, as described in the March 17, 2006 memo from the City Manager. He continued by going over the detailed statistics and analysis included in the memo and referred to the locations of the lifeguard stands as shown on the map attached. Mr. Yuhr gave the example in 2004 where there were two drownings at 41st Street and it was determined that this is a major street end with a major Metro bus stop. That is how it was determined to place a stand in that location in 2004.

Commissioner Libbin asked, in the event of a drowning, what the potential legal exposure to the City is when we have a guard stand in a remote area with an ATV or no guard stand in the immediate area. Judith Weinstein, Assistant City Attorney explained that in 2005 Statute 380.276 was enacted that basically states that if someone drowns, whether or not there are signs or flags of some dangerous condition in the water, there is no liability to the City. The City is now basically immune from any liability for a drowning that occurs as a result of changing surf or other naturally occurring condition, although this statute has not yet been tested.

Commissioner Libbin displayed photographs of the beach looking south from 8th Street to 5th Street reflecting how crowded the beach is and how difficult it would be to maneuver an ATV, as well as how far it really is to the next guard stand. He then showed a view north from 3rd Street to 5th Street to show again how much distance is covered. The same was shown for Lincoln Road to 17th Street and Lincoln Road to 15th Street.

Commissioner Garcia suggested that everyone take a few hours and visit to see first hand what a lifeguard does during a shift. He stated that we are here because we would like to see better protection for our residents and visitors and we need to determine how we are going to do this and how much we are willing to spend.

Mr. Gonzalez clarified that we are presently analyzing the manner in which to provide Ocean Rescue services at 5th Street and Lincoln Road.

Commissioner Gross asked that the 19th Street location be added as part of the budget discussion along with the Lincoln Road and 5th Street locations.

The Committee moved to continue the discussion of this item at the next Commission retreat.

JMG/HMF/VPg/rfm



MIAMI BEACH

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Commissioner Jerry Libbin
FROM: Jorge M. Gonzalez, City Manager
DATE: March 17, 2006
SUBJECT: **Ocean Rescue Service Levels**

Pursuant to your request for information on the above subject, this memorandum presents background information on the service levels of the Ocean Rescue Division of the Fire Department, together with data on recent incidents at our beaches, as well as our efforts to maximize Ocean Rescue services.

Over the past several years, the City has strived to align our budget resources with our adopted mission and five year vision. This mission and vision in part led our efforts to enhance public safety efforts on all fronts. With the completion of our Resident Satisfaction Surveys in early 2005, the FY 05-06 budget cycle allowed the City to more closely align budgetary expenditures to the Key Intended Outcomes (KIO's) that the residents and City Commission had identified. Community safety is one of the KIO areas identified and beach safety services fall within this category. The Fire Department has identified supporting Key Performance Indicators and Departmental Performance Indicators to measure their effectiveness at providing this service to our community.

The Resident Satisfaction Survey indicated a very high level of satisfaction with Ocean Rescue services with 95% of residents rating that service as excellent or good. The Resident Satisfaction Survey indicated that a very good level of service was being provided and did not prioritize the need for an expansion of those services. In light of the Ocean Rescue's performance and our resident's sentiment, maintaining and refining the Ocean Rescue services has been our focus in recent years. One of the service level indicators used by the Fire Department to measure their success in providing Ocean Rescue service is the amount of publicly accessible beach area that is served by the Ocean Rescue Division. The goal set by the Department in this service area is to serve 100% of the publicly accessible beach area during the service hours of 9:30 a.m. to 6:30 p.m. The service goal for Ocean Rescue services established as publicly accessible those beach areas at City parks, parking lots and street ends that served as direct access points or areas in which the public is essentially invited to access the beach for the public use, such as areas where public restrooms and concession are provided.

Beach utilization has grown by 57% since the year 2000 to an estimated 14,042,753 users in 2005. While the number of victims rescued has dropped in this same period by 33%, the number of out of ocean assists and preventative actions has grown significantly.

Ocean Rescue service is provided through the deployment of lifeguards both at fixed tower locations and the use of mobile personnel through the use of ATV's and personal watercraft.

While mobile personnel are used to address specific demand and beach conditions, the fixed service locations have been defined using three principal criteria.

- Distance between guard towers
- Beach user data
- Other site specific data, such as coastal conditions and incident activity levels

The distance standard between each life guard tower is generally established as 100 yards to the north and south of the tower and 200 yards if the tower has a dedicated ATV assigned to the tower. This standard was established based on the actual experience of the Ocean Rescue personnel and their ability to respond in areas of high beach usage. The 100 yard and 200 yard distances afford each guard location the ability to appropriately monitor the amount of area in the immediate vicinity, especially in times of high use. The distances between guard towers are intended to serve as a guide in establishing basic service levels in those areas of beach coverage where high utilization is experienced. User data indicates the highest use of our beaches from the southern most end of the beach north to approximately 21st Street. The 100 yard and 200 yard distance is not as significant a factor in other service areas as the Ocean Rescue personnel can effectively patrol larger areas as a result of the lower use.

The most common site specific criteria used for service level decisions are drowning statistics. Reliable Drowning data is available for the past three year period. The data was retrieved from the Medical Examiner's Office from January of 2003 to date, and closely correlates with the data that the Fire Department has maintained since the merger with the Ocean Rescue Division in May of 2004. In this period a total of 24 drowning incidents were recorded.

Of the twenty four drowning incidents on the beach for the three year period, four of those incidents occurred at guarded areas. One of those four incidents occurred after hours and a second involved the patient initially spotted by Coast Guard helicopter with obvious signs of trauma which implies the drowning could have occurred well offshore and was not preventable by virtue of a guards presence.

Eight of the 24 drowning incidents occurred either before or after the lifeguards were on duty.

Twenty drowning incidents occurred at beach areas that are not directly guarded by lifeguard towers, with seven of those being outside the hours of operation for the Ocean Rescue Division. The scale of the attached tower map does not allow all of the drowning sites to be identified; however a larger graphic will be created for the Committee discussion to illustrate the sites. What is evident in the analysis of the 13 unguarded area drownings during duty hours is that there is no concentration or trend that would indicate a new tower site to address the incidents. The incidents are widely spread in the unguarded areas and when other contributing factors such as medical conditions, drug or alcohol use or foul play are taken into consideration no one area of the beach is a candidate for enhanced Ocean Rescue services. All of the sites of the unguarded area drownings are outside of the areas considered to be generally accessible to the public.

The table below summarizes the drowning data and a detailed listing of the drowning incidents is attached.

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Total</u>
<u>Guarded Areas</u>				
On Duty Hours	0	2	1	3
Off Duty Hours	0	0	1	1
<u>Unguarded Areas</u>				
On Duty Hours	5	5	3	13
Off Duty Hours	2	3	2	7
	<u>7</u>	<u>10</u>	<u>7</u>	<u>24</u>

When the distance, use and site specific data is applied to the defined public access areas, only the 5th Street and Lincoln Road street end areas appear to be in need of consideration for service level enhancements to better serve the area. While these areas are provided Ocean Rescue services at this time, the increase in utilization in the areas may warrant service enhancement in order to maintain the level of service.

The Department is presently analyzing how best to enhance the coverage to those areas and is working through the budgetary process to accomplish this.

Over recent years, the City has taken measures to increase the coverage areas and service level afforded to the public on our beaches. Additional fixed guard towers were instituted at South Pointe, 85th Street, 77th Street, 15th Street and 41st Street and five additional ATV's were added to the division in order to expand lifeguard coverage areas in working toward the 100% service coverage goal.

The Fire Department is presently analyzing the options available to address the two areas previously discussed. These options include a reallocation of resources through a tower placement realignment, placing additional towers but staffing them on a daily need basis and placing new towers that are staffed full time. Each of these options has advantages and disadvantages and all of the options are being presented through the budgetary process that is presently underway.

While the Ocean Rescue services are very near the established goal of 100% coverage of publicly accessed areas with an effective level of public safety, there are many policy choices that can be explored that would affect the level of service. The hours of beach coverage, the areas for which service is provided and the service level within the covered areas can all be discussed and altered at the direction of the City Commission. These service area discussions are significant in nature and potentially in cost and are best addressed as a part of the City Budget adoption process.

If you have any questions regarding this information, please let me know.

JMG\FJ\EY\RCM\sam
F:\cmgr\SALL\BOB\Lifeguard Towers Status memo.doc

Attachments

cc: Mayor and City Commission

DROWNING DETAILS 2003-2005

2003

1. 03/09/2003 47th Street @ 4:29PM. The patient was a 5 YO Male who the ME notes as a non swimmer.
2. 04/19/2003 18th Street @ 6:20PM. The patient was a 17 YO Male who the ME noted was caught in an apparent rip current.
3. 05/11/2003 66th Street @ 10:50 AM. The patient was a 69 YO Female who was found on the sand with her feet still in the water.
4. 08/23/2003 60th Street @ 5:05 PM. The patient was a 77 YO Male.
5. 08/30/2003 41st Street @ Unknown time. The patient was a 34 YO Male who was recovered on the 31st.
6. 09/02/2003 41st Street @ 6:53 PM. The patient was a 25 YO Male.
7. 11/18/2003 48th Street @ 9:08 AM. The patient was a 61 YO Male.

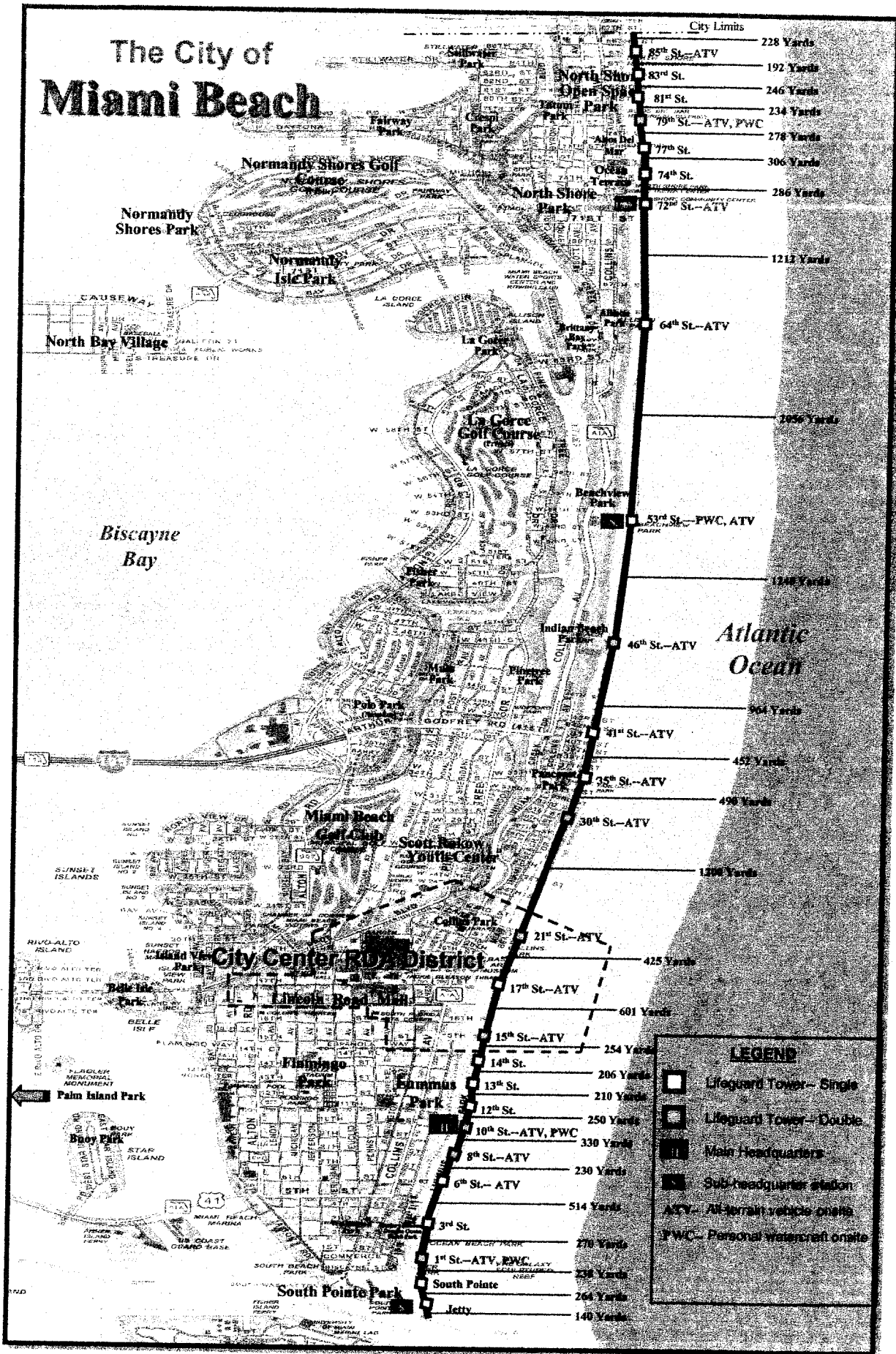
2004

1. 03/20/2004 8th Street @ 3:27 PM. The patient was a 36 YO Male who was a non swimmer and went into the water to cool off.
2. 05/2004 23rd Street @ 5:00 PM.
3. 05/12/2004 50th Street @ 8:40 AM. The patient was a 57 YO Male who was expected at an 0830 meeting inside the hotel he was staying at.
4. 05/13/2004 74th Street @ 10:00 AM. The patient was a 53 YO Male. The patient was initially spotted by a Coast Guard Helicopter and had "obvious signs of trauma or foul play".
5. 05/23/2004 26th Street @ 3:05 PM. The patient was an 81 YO Male. The patient had a history of heart disease and was taking several medications for the same.
6. 06/12/2004 22nd Street @ 12:32 PM. The patient was a 23 YO Male.
7. 08/06/2004 73rd Street @ 1:39 AM. The patient was a 54 YO Male with signs of acute ethanol intoxication.
8. 08/17/2004 56th @ 3:20 PM..
9. 09/04/2004 7th Street @ 2:00 PM.
10. 12/2004 29th Street @ 8:00 AM.

2005

1. 01/12/2005 23rd Street @ 5:20 PM. The patient was a 63 YO Male. The patient was apparently caught in a rip current.
2. 04/12/2005 74th Street @ 7:12 PM. The patient was a 59 YO Male.
3. 06/10/2005 Lincoln Road @ 8:00AM. The patient was a 20 YO Female swimming in heavy surf post Tropical Storm Ivan.
4. 06/21/2005 6th Street @ 2:52 PM. The patient was a 103 YO Female.
5. 06/30/2005 56th Street @ 5:05PM. The patient was a 22YO Male.
6. 11/15/2005 49th Street @ 1:45 PM. The patient was a 60 YO Male.
7. 12/31/2005 Lincoln Road @ 3:17 PM. The patient was a 39 YO Male.

The City of Miami Beach





MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

MARCH 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
Max Sklar	TCB-CMB	646	
Terrey Lippin	CMB		
R. Mordang	CMB	6163	
D LEYVA	TCB-CMB	6127	
LUJA MOSSCROP	A.I.P.P.	305-534-9779	LUJAE.BELLSOUTH.NET
M. Mordang	DIPP	305 527-2046	
Hilda Fernandez	AIPP	305.673.7010	
Margarita Blum	Mayor + Comm.	X 6437	
Capitula Pedraza	OPBA	305 695 0915	Pedraza@1700.com
Guil Lopez	PROCUREMENT	6641	



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

MARCH 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
Jay Myler	CODE COMPLIANCE	6805	
Floyd Jordan	Fire Dept.	7120	305-673-7788
Donald Rapp	City Attorney's Office	7470	
Harold White	Off. of Jerry Libbin	#6722	
Saul Gross	CITY	7104	
Ed Smith	CITY		
Norman Johnson	Fire/Ocean Rescue	7714	
Joan Garcia	CITY Comm.	7105	
Mathew Bower	CMB		
Jorge Gonzalez	CMB		



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

MARCH 22, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
JC WEINSTEIN	CORP. REPRESENTATIVE	6157	
RICHARD MCKINNON			
ERIC YUHR			
RANDI MACBRIDE	NEIG SVC		
JUDITH WEINSTEIN	CITY ATTY OFF.		
KATHIE BROOKS			

THIS PAGE INTENTIONALLY LEFT BLANK



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For SMG [Signature]

DATE: April 11, 2006

SUBJECT: **REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE
(COMMITTEE) MEETING OF MARCH 23, 2006.**

OLD BUSINESS

1. Discussion regarding Domestic Partner Benefits Coverage Termination - Miami Beach Fraternal Order of Police Health Trust/Fire Fighters Insurance Trust.

ACTION

Item deferred to April 20, 2006 meeting.

NEW BUSINESS

2. Discussion regarding exercising the renewal term of the City's agreement with SMG for the Management and operation of the Miami Beach Convention Center, the Jackie Gleason Theater of the Performing Arts, Colony Theater, Byron Carlyle Theater, and Little Stage Theater.

ACTION

Max Sklar, Tourism & Cultural Development Director, presented the item and stated that SMG was requesting an additional two year extension to the existing agreement for SMG to continue the management and operation of the Miami Beach Convention Center, the Jackie Gleason Theater of the Performing Arts (TOPA), Colony Theater, Byron Carlyle Theater and Little Stage Theater.

Historically this agreement dates back to December 1990 when the City issued a Request for Proposal (RFP) for the management and operation of the aforementioned City Cultural Facilities. The bid was awarded to Spectacor Management Group (SMG). Since 1990 the agreement has been extended in segments of 1 to 2 years renewals at the City's sole discretion. The latest renewal period is set to expire on September 30, 2006.

Mr. Sklar presented exhibits to demonstrate SMG's ability and effectiveness to manage and operate the City Cultural Facilities. He further presented their fee structure broken out by management and incentive fee as well as additional facilities charge. Mr. Sklar then recognized Doug Tober, General Manager of the Miami Beach Convention Center for SMG. Mr. Tober stated that he was pleased to have enjoyed the fifteen year relationship that SMG has had with the City.

Agenda Item C6C
Date 4-11-06

Chairman Saul Gross questioned if the increase in management fee was related to the Colony Theater and the Byron Carlyle Theater that SMG was recently awarded to manage in fiscal year 2005. Mr. Sklar stated that the increase from Fiscal Year 2004/05 to 2005/06 was based on a 3% CPI escalator and an increase in the additional facilities fee up from \$20,000 to \$37,500 in the current year.

Commissioner Matti Herrera Bower questioned if the Convention Center was profitable. Mr. Tober explained that in Fiscal Year 2004/05 the Convention Center lost \$2.3 million. Chairman Saul Gross questioned how the Colony Theater and the Byron Carlyle were doing. Mr. Sklar stated that the Byron Carlyle did better than projected in Fiscal Year 2004/05. He explained that the Colony Theater is sold out for the current fiscal year and that they are focusing on booking the Byron Carlyle Theater. The Committee further discussed the fees and incentives paid to SMG and questioned the types of benefits the City receives in exchange for this management contract.

The Committee questioned the methodology used to measure and evaluate SMG's effectiveness to manage and operate these centers. Mr. Sklar as well as Mr. Tober explained extensively the point system used to measure their performance which is based on both quantitative and qualitative measures. The Quantitative method comprises 50% and is based purely on financial performance as compared to budget. The other 50% is qualitative and is based on 20% survey, 20% maintenance, and 10% discretionary.

Chairman Saul Gross further questioned the grading scale. He did not agree that the scale was a good indicator of performance, particularly the maintenance and the discretionary percentages. He asked Mr. Sklar to revisit the current incentive fee program and come up with a new current percentage fee which is more in line with the City's goals.

Mr. Tober explained in more detail the surveys and how they are acquired. He stated that the questionnaires are sent to the patrons of the Convention Center after different events. Based on their response they are able to compile a matrix that ultimately helps measure their performance in areas such as maintenance, facilities, equipment service and so on. Mr. Tober indicated that the response rate for these surveys is about 56%. Based on these tabulated results they are able to come up with a point system that allows the City's appointed committee to measure SMG performance.

After much debate Chairman Saul Gross requested that Hilda Fernandez, Assistant City Manager and Mr. Sklar include the financials for the Convention Center as part of the workshop being presented to them on March 27, 2006. He feels this will allow the Commission to see in more detail how this agreement with SMG benefits the City.

The Committee made a recommendation to extend the contract with SMG for two one-year extensions, pursuant to a re-evaluation of the SMG Incentive Fee Performance schedule.

- 3. Discussion regarding the issuance of a request for proposals for the management and operation of professional food and beverage service for the Miami Beach Convention Center, with an option to manage food and beverage services at other City Cultural Facilities, if deemed to be in the City's best interest.**

ACTION

Max Sklar, Tourism & Cultural Development Director, presented the item. Chairman Saul Gross questioned the length of time the City had not gone out to bid for this item. Mr. Sklar stated that it had been 20 years.

Mr. Sklar continued to explain the City's business relationship with Centerplate Inc. formerly known as Volume Service America. He stated that in 1986 the City entered into a 15 year agreement with Centerplate, Inc. with an additional 5 year term set to expire in February 2007.

In February 2005, the City issued Centerplate a notice of default due to continued service deficiencies at the Miami Beach Convention Center. Although the issues were corrected and the service improved, the administration believes it is in the City's best interest to issue a Request for Proposal (RFP).

In light of the aforementioned performance issues and the length of time since these services were last bid, the Administration is recommending the issuance of a Request for Proposal (RFP). This recommendation was presented to the Convention Center Advisory Board as an informational item at their February 28, 2006 meeting. No objections were raised. Nonetheless the proposal is to include not only quality food and beverage concession services but it is also to include the following:

- Removal of local catering prohibition;
- Exclusive food and beverage provider with a buy-out provision;
- An option to include food and beverage operations at all or some of the City's cultural facilities;
- Guaranteed base rent, plus a percentage of commissions;
- Initial capital contribution and capital reserve fund to fund repair, maintenance, and replacement of food/beverage service equipment, small wares, computerized point-of-sale systems, and other leasehold improvements directly associated with the food/beverage service program;
- Marketing fund for promotion of the Convention Center; and,
- Contribution to a scholarship fund for Miami Beach students pursuing a career in tourism or hospitality.

The Administration recommends issuing an RFP for food and beverage services for the Miami Beach Convention Center, with an option to manage food and beverage services at other City cultural facilities.

Mr. Eric Bayne, Centerplate General Manager, was afforded the opportunity to present his interest. He stated that he understood the City's position but that Centerplate would like to continue the business relationship it currently has with the City.

The issue of an option to manage food and beverage services at other City Cultural Facilities was discussed at length among the Committee Members and the Administration. The prohibition presently in place prevents the City from catering business venues such as banquets, weddings, and large non-profit organization events at the Miami Beach Convention Center.

Commissioner Bower stated that large organizations are taking their business to Parrot Jungle since there are not many facilities that have the ability and capacity to serve these large functions. Commissioner Bower stated that this is business the City is loosing.

Mr. David Kelsey President of the South Beach Hotel and Restaurant Association stated that this prohibition only benefits the large hotels with large capacity to host large events. He further stated that the small hotels do not benefit from this prohibition of allowing the City to cater at their facilities since they are not able to cater these large functions.

Finally upon completion of a lengthy discussion, the Committee recommended the issuance of an RFP to include all of the items previously listed.

4. Discussion regarding the Normandy Park and Pool Project.

ACTION

The item was presented by Jorge Chartrand, CIP Director. He proceeded to give a detailed report of the status of the Normandy Park and Pool. Mr. Chartrand stated that everything seems to be on schedule and the project is 75% completed, however, the Park and Pool will not be ready to open for the upcoming summer season.

Commissioner Gross acknowledged the fact that the pool is well on the way to being completed; however he questioned the reasons why this project will not be completed on schedule. Mr. Chartrand explained that the delay was due to permit issues and the unresponsive architects working on the project.

The different approaches used to get the architects to be more responsive were discussed at length. However, it was concluded that the city at this point has little leverage with this firm.

Commissioner Jerry Libbin although sympathetic with the fact that there is a valid excuse as to why this project is not going to be completed on time, stated that the City must take responsibility and must advise the citizens that the Normandy Park and Pool will not be ready as previously promised for the summer.

Commissioner Bower suggested finding alternatives to compensate for the delayed opening, especially to the children during the summer season who are expecting to have the park and pool ready. She suggested looking into other water activities that can be made available until the project is complete.

Julio Magrisso Assistant Director of Parks agreed to look into other options to provide activities for the children during the summer time. Although everyone acknowledged that there are other parks and other activities, the fact that this park would not be available for summer was a big concern among the Commissioners.

Commissioner Gross questioned Mr. Chartrand as to whether the issues concerning the project were resolved and if we were indeed in a position to move on and complete this project. Mr. Chartrand assured him that the project is well on the way and it will be completed.

Following a discussion it was agreed that the public must be informed of the latest delay in the opening of Normandy Park and Pool. Therefore the Administration will explore other avenues to provide activities for the children and citizens this summer at that location.

5. Discussion regarding Mount Sinai Medical Center request for Hurricane Mitigation Funding.

ACTION

Item deferred to April 20, 2006 meeting.

JMG/PDW/rs/ka

T:\AGENDA\2006\apr1106\consent\FCWP 03-23-06 minutes.doc

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

Setting of Public Hearing – Pursuant to Miami Beach City Code Section 118-262, to review a Design Review Board decision rendered on March 3, 2006, requested by the Miami Design Preservation League and Affected Persons (DRB File No. 18871)

Key Intended Outcome Supported:

Not Applicable

Issue:

Pursuant to Miami Beach City Code Section 118-262, the Administration is requesting that the Mayor and City Commission schedule a Public Hearing on May 10, 2006 to review a decision of the Design Review Board pertaining to DRB File No. 18871, requested by the Miami Design Preservation League and Affected Persons.

Item Summary/Recommendation:

The Administration recommends that Adopt the Resolution scheduling a Public Hearing on May 10, 2006.

Advisory Board Recommendation:

The Design Review Board approved the subject application on February 7, 2006.

Financial Information:

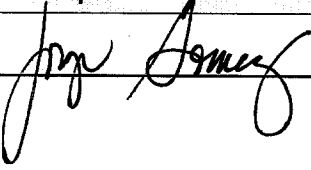
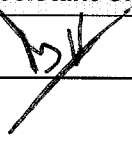
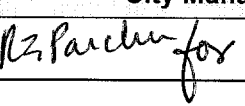
Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:
The proposed Resolution is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Tom Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

Reflected for

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING PURSUANT TO MIAMI BEACH CITY CODE SECTION 118-262, TO REVIEW A DESIGN REVIEW BOARD DECISION REQUESTED BY THE MIAMI DESIGN PRESERVATION LEAGUE AND AFFECTED PERSONS PERTAINING TO DRB FILE NO. 18871.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Pursuant to City Code Section 118-262, the Miami Design Preservation League and affected persons, are requesting an appeal of the Design Review Board decision rendered on March 3, 2006, pertaining to DRB File No. 18871, for a mixed-use development project at 929-939 Alton Road (see attached letter).

The Design Review Section of the Miami Beach Code allows the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust to seek a review of any Design Review Board Order by the City Commission. For purposes of this section, "affected person" shall mean either (i) a person owning property within 375 feet of the applicant's project reviewed by the board, or (ii) a person that appeared before the Design Review Board (directly or represented by counsel), and whose appearance is confirmed in the record of the Design Review Board's public hearing(s) for such project.

Pursuant to Section 118-262 of the Miami Beach Code, the review by the City Commission is not a "de novo" hearing. It must be based upon the record of the hearing before the Design Review Board. Furthermore, Section 118-262 (b) states the following:


In order to reverse, or remand for amendment, modification or rehearing any decision of the Design Review Board, the City Commission shall find that the Design Review Board did not do one of the following:

- 1) provide procedural due process
- 2) observe essential requirements of law, or
- 3) base its decision upon substantial, competent evidence.

In order to reverse or remand a decision of the DRB, a 5/7th vote of the City Commission is required.

CONCLUSION

The Administration recommends setting a public hearing on May 10, 2006 to review a decision of the Design Review Board pertaining to DRB file No. 18871.


JMG/TH/JGG/TRM

T:\AGENDA\2006\apr1106\consent\DRB File No. 18871- MEM PH APR.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING PURSUANT TO MIAMI BEACH CITY CODE SECTION 118-262, TO REVIEW A DESIGN REVIEW BOARD DECISION REQUESTED BY THE MIAMI DESIGN PRESERVATION LEAGUE AND AFFECTED PERSONS PERTAINING TO DRB FILE NO. 18871.

WHEREAS, a process for review by the Mayor and City Commission of decisions rendered by the Design Review Board when requested by an applicant or any affected person has been established under Section 118-262 of the Miami Beach City Code; and

WHEREAS, The Miami Design Preservation League and Affected Persons are requesting an appeal of the Design Review Board decision rendered on March 3, 2006, (DRB File No. 18871) pertaining to a development project at 929-939 Alton Road, which has been timely filed for such review.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby schedule a public hearing on May 10, 2006 to consider the review of a Design Review Board decision in DRB File No. 18871, pertaining to a development project at 929-939 Alton Road, as requested by the Miami Design Preservation League and Affected Persons, and direct that the appropriate public notice be provided therefore.

PASSED and ADOPTED this 11th day of April, 2006.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

W. H. Dull 3-28-06
CITY ATTORNEY DATE



MIAMI DESIGN PRESERVATION LEAGUE

POST OFFICE BOX 190180, MIAMI BEACH, FLORIDA 33119-0180
(305) 672-2014 FAX (305) 672-4319 WWW.MDPL.ORG

March 23, 2006

Honorable Mayor and Commissioners
City of Miami Beach
c/o Mr. Jorge Gomez, Director
Planning and Zoning Department
1700 Convention Center Drive
Miami Beach, Florida 33139

RE: Appeal of Final Order, Design Review Board File No. 18871

This is an appeal of a Design Review Board (DRB) Final Order for File # 18871, rendered March 3, 2006, concerning a building design proposed for 929-939 Alton Road by applicant Alton Sobe, L.L.C. ("Applicant"). The appeal is taken jointly by Miami Design Preservation League and by affected persons who own historic properties adjacent to the subject property (together referred to as "Appellants"). Appellants seek reversal or remand for modification of the DRB Final Order. The undersigned request that this matter be placed on the city commission agenda to schedule a full hearing, as per Sec. 118-262(a) of the Code of the City of Miami Beach City (the "Code").

I. Standing

A. Miami Design Preservation League (MDPL) is specifically authorized to appeal DRB decisions that adversely impact historic preservation. Code Sec. 118-262(a) gives MDPL specific authority to "seek review of any order of the design review board by the city commission." MDPL is a non-profit organization whose mission is "preserving, protecting, and promoting the cultural, social, economic, environmental and architectural integrity of the Miami Beach Architectural Historic District and all other areas of the City of Miami Beach where historic preservation is a concern." MDPL's legislated standing enables it to appeal design proposals that are not in a designated historic district but impact historic preservation interests. This right is distinct from the separate review process for historic properties, which is governed by the historic preservation board.

B. The affected persons joining this appeal own properties directly abutting the proposed design that are designated as contributing buildings in the Architectural Historic District. Code Sec. 118-262(a) authorizes appeal by "affected persons," including those who own property within 375 feet of the subject property or who appear before the board. The affected persons named in this appeal own properties on the same 900 block, which properties were identified by city staff as being within 375 feet. As noted on the record, no alley separates the subject property on Alton Road from historic properties on Lenox Avenue, so the properties of several Appellants directly abut the subject property and share a common boundary point or line.

II. Statement of Factual Basis and Grounds for Appeal

Outlined below is a statement of the legal grounds for appeal and the underlying factual basis, as established at hearings on November 15, 2005 and February 7, 2006. Pursuant to Code Sec. 118-262(a), Appellants will provide DRB hearing transcripts and a written statement or brief at least two weeks prior to the scheduled appeal.

The property subject to this appeal is located in a CD-2 zoning district at 929-939 Alton Road, bordering the RM-1 Flamingo Park Historic District. Applicant proposed a 5-story mixed-use building (a 6th story is underground) abutting 1- and 2-story buildings on Alton Road and 1- and 2-story designated historic structures on Lenox Avenue.

Appellants contend that each of the three legal grounds stated in Code Sec. 118-262(b) provides a sufficient basis to reverse or remand the Final Order, and that together these legal errors compel the commission to reverse the Final Order and require substantial changes to the proposed design.

(1) The DRB failed to provide procedural due process when it approved last-minute design revisions and evidence which Appellants had no opportunity to review and rebut.

According to the staff analysis, the application submitted in advance of the November DRB meeting failed to satisfy 9 of 17 design review criteria. At the hearing, Appellants and other members of the public contended that the application also failed to satisfy other review criteria besides those noted in the staff analysis, an assertion confirmed by revealing an undisclosed violation of criteria 5 related to minimum setbacks.

The DRB continued the hearing to February as a result of various objections, asking the Applicant's representatives to seek compromise with Appellants and other residents at the December 5 meeting of the Flamingo Park Neighborhood Committee. Following a presentation of the revised application, the resident group resolved to seek legislative reforms in the CD-2 district. The Applicant subsequently provided additional design alternatives and Appellants responded to the alternatives in writing on January 5, suggesting further design changes and calling for a meeting to discuss them and seek compromise prior to the February DRB hearing. Appellants reiterated this request on February 2. The Applicant failed to respond to either request, though in fact the Applicant did submit further design changes at the February 7 hearing.

According to the staff analysis, the revised application submitted in advance of the February DRB meeting failed to satisfy 8 of 17 design review criteria. At the hearing, Appellants and other members of the public contended that the application also failed to satisfy other review criteria besides those noted in the staff analysis, including criteria related to orientation and massing.

During the hearing, however, the Applicant presented further revisions to its application, but did not provide copies of the changes to Appellants prior to or during the hearing. Further, the Applicant presented key evidence of its design change *after* testimony by the public, including an artistic photo-montage purporting to represent an accurate

perspective of the massing as it faces the Flamingo Park Historic District. This visual perspective was a focus of attention by the DRB, but while the DRB relied on this evidence it was never entered on the record or provided for review by Appellants.

Code Sec. 118-254(a) provides that at DRB hearings "interested persons shall have an opportunity to...rebut all evidence presented," but the Applicant's last-minute submissions deprived Appellants of their opportunity even to review, much less rebut, the merits of revisions.

The unfairness of this circumvention cannot be overstated: an application that failed at least 8 of 17 review criteria was revised to meet staff's recommended conditions, thereby shutting the public out of the review process. Public comments addressed the application itself, and not the adequacy or inadequacy of the Applicant's evidence or the staff's proposed conditions. (The potential importance of public criticism of staff views is exemplified by the setback error identified at the November DRB hearing.)

The DRB erred by depriving Appellants and other members of the public of a full and fair opportunity to review and rebut the evidence, and to rebut staff's untested belief that the conditions would in fact satisfy the design review criteria. The logic of the DRB process in this case is circular: either the revisions proposed by staff were major, and thus the proposal should have been made available for thorough public review, or the revisions were minor and should not justify a change in findings for 8 of 17 design review criteria.

(2) The DRB failed to observe essential requirements of law by allowing a mixed-use design that exceeds maximum commercial density, without adequately addressing its impact on design compatibility with abutting historic properties.

The DRB has the power and duty "[t]o review all applications requiring design review approval for all properties not located within a designated historic district or not designated as a historic site." Code Sec. 118-71. As the record makes clear, however, the subject property in this DRB proposal is distinctive in that it directly abuts the Flamingo Park Historic District in a ½-block deep buffer zone along Alton Road. The design review criteria must therefore be interpreted in a manner that respects the essential nature and character of the historic district, on a block of Lenox Avenue consisting entirely of 1- and 2-story buildings designated as "contributing" architectural designs in the City's Historic Database. In exercising its review, the DRB misinterpreted the design criteria and failed in its duty to address the impact of the design on the essential character of the adjacent historic district, and the unique design considerations of adjacent historic buildings.

The subject property is located in a CD-2 commercial, medium-intensity district whose development regulations specify a "maximum Floor Area Ratio" ("FAR") of 1.5. Code Sec. 142-306. For mixed-use buildings, however, a setback provision allows maximum FAR to be determined under another section of the Code, the RM-2 regulations, which permits an FAR of 2.0. Code Sec. 142-307(d)(2); Sec. 142-216. The property is adjacent to an RM-1 low-intensity residential district with a maximum FAR of 1.25, Code Sec.

142-145, and the directly adjoining properties are contributing historic structures with an actual FAR of less than 1.25. An Applicant's proposal to develop a mixed-use building, if approved, results in a 33% increase in density versus the commercial maximum (2.0 versus 1.5) and an FAR 60% over even the highest legal density in the adjacent historic district (2.0 versus 1.25).

Appellants contend that the ability to circumvent the CD-2 maximum FAR is a loophole in the Code, and that its use is not a matter of absolute right but should be subject to specific design review criteria. Because a mixed-use CD-2 application effectively bypasses the maximum FAR for CD-2, the DRB was obligated to examine whether a proposed mixed-use and FAR bonus is consistent with the design review criteria. The Applicant proposed a mixed-use building with approximately 10,000 square feet more than a commercial building in the same location, along with the commensurate additional parking. To permit mixed-use adjacent to low-rise, contributing historic buildings, the DRB should have made a specific finding that the increased use and density is appropriate in this location.

The DRB made no such finding, and individual DRB members were clearly confused by their ability to reject a proposal if the additional mixed-use density were not compatible. One DRB member acknowledged that the project was "a horror show" for the adjoining historic properties, yet voted to approve the design. Various design review criteria require compatibility with the historic district in general (the "environment" and "surrounding area") and with the particular low-scale buildings that abut the Applicant's proposal (the "adjacent" structures or buildings). E.g., Code Sec. 118-251(6), (7), and (12). While the City Attorney for the DRB correctly opined that a proposal could be rejected if it fails to satisfy design criteria, several DRB members mis-characterized concerns related to the FAR loophole as issues solely of zoning, denying their relevance to the design review evaluation process. Thus, one DRB member called for changing the law that permitted use of the mixed-use loophole, but voted to approve the Applicant's design without a finding of compatibility.

(3) The DRB failed to base its decision upon substantial competent evidence, relying on non-conforming buildings and ignoring expert testimony of design incompatibility.

The use of evidence by the DRB reveals two critical failures that directly impacted the reasoning and decision of the board. First, the DRB ignored expert evidence from the City's own Planning Board that the FAR loophole described above is inherently incompatible with the adjacent historic district. Second, the DRB disregarded testimony calling for modification of height or massing of upper floors, and instead relied upon the existence of non-conforming buildings that are inappropriate for evaluating sensitivity to and compatibility with the contributing historic properties that in fact abut the proposal.

Evidence from a Planning Board discussion on January 24, 2006 was transcribed by Appellants and entered into the record as expert testimony, to support Appellants' contention that the mixed-use FAR loophole and proposed massing is inherently incompatible with low-rise, contributing historic buildings. (See Attachment.) On this

issue, the members of the Planning Board unanimously agreed with the comments of the Chair:

I don't think reasonable people can disagree that the CD-2/RM-2 bonus is wholly incompatible with the adjacent zoning.

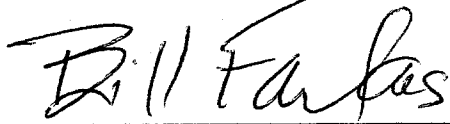
The DRB failed to consider this evidence and instead followed the comments of the DRB Chair, who erroneously argued that this and similar comments from the Planning Board were irrelevant to a specific proposal.

In the view of Appellants, the Planning Board's view is definitive evidence that the use of the mixed-use loophole is inherently flawed for a CD-2 property in these circumstances, and thus must be rejected under the review criteria. At a minimum, the Planning Board's general view of zoning incompatibility established a prima facie case or presumption regarding the potential for incompatibility between the Applicant's design proposal and the adjoining historic district. It was incumbent on the DRB not to dismiss the Planning Board's comments out of hand, but instead to evaluate the specific circumstances in light of design review criteria.

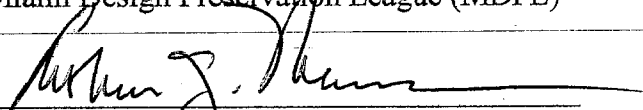
The comments of Planning Board members strongly support Appellants' view that the design's 5-story height and uniform massing are inappropriate adjacent to low-scale historic properties. (See Attachment.) The unanimous tone of such comments supports the contention of Appellants that the height and massing of the Applicant's proposal should have been scrutinized and reformed. For instance, Appellants noted that approximately 5,000 square feet of massing was displaced to the upper floor by a design change between the November and February meetings (the commercial space increased from 1-story to double-height ceilings, creating internal volume that does not count against the total FAR). This criticism, and other testimony such as breaking up or stepping the mass, was not refuted or analyzed but was given too little consideration in the DRB discussion.

Rather than address the project's full design impact on adjacent properties, the DRB erred as a matter of law by relying upon the Applicant's documentation of non-contributing buildings in the historic district to justify excessive and uniform height and massing of upper floors. In citing the existence of legally non-conforming buildings as evidence of historic compatibility, the DRB was in reality defining sensitivity to the historic district by reference to its non-historic exceptions. To the extent that the DRB should look for evidence of compatibility beyond the abutting properties, it was improper to use as a measure those buildings that preceded the historic district and exceed its current FAR and height limits.

The undersigned respectfully ask the City Commission to reverse the decision of the DRB, to eliminate the use of the mixed-use FAR loophole as incorporated in this design, and to remand the proposal with instructions to evaluate specific ways that massing and height can be made compatible within the CD-2 development regulations.



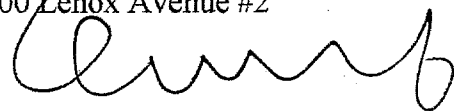
Bill Farkas, Executive Director
Miami Design Preservation League (MDPL)



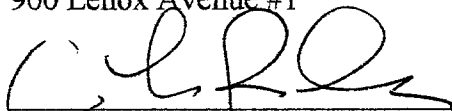
Arthur Marcus AIA, Chair
MDPL Advocacy Committee



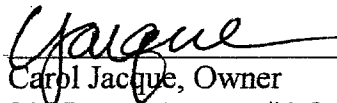
Allison Cotter, Owner
900 Lenox Avenue #2



Andrew Delaplaine, Owner
900 Lenox Avenue #1



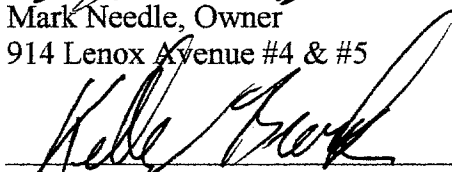
Charles Recher, Owner
910 Lenox Avenue #2



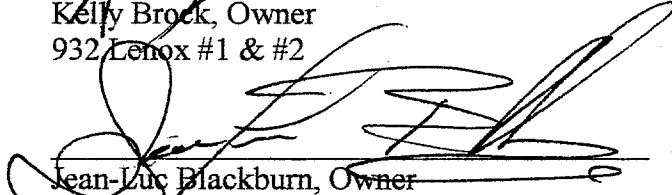
Carol Jacque, Owner
914 Lenox Avenue #4 & #5



Mark Needle, Owner
914 Lenox Avenue #4 & #5



Kelly Brock, Owner
932 Lenox #1 & #2



Jean-Luc Blackburn, Owner
932 Lenox #1 & #2

ATTACHMENT: CITY OF MIAMI BEACH PLANNING BOARD MEETING OF JAN. 24, 2006
Compatibility of CD-2/RM-2 bonus with adjacent historic properties

[NB: The summary below and Board discussion that follows were formally entered into the record of the Design Review Board File #18871.]

"I don't think reasonable people can disagree that the CD-2/RM-2 bonus is *wholly* incompatible with the adjacent zoning."
Board Chair (emphasis in original remarks)

"I think we cannot allow them to build the monstrosity that you are talking about."
Board Member 2

"I think that the character of Alton Road needs to be preserved, by all means."
Board Member 3

"I agree that we definitely need to minimize the scale and retain more of a street-level scale on Alton Road, and that that 4- or 5-story possibility on Alton Road is very dangerous and I wouldn't want to see that."
Board Member 4

"I wanted to highlight that I think there are areas where reasonable people can disagree and I think there are areas that are just black and white...."

"I think we do need to move this process forward... so we can have zoning-in-progress as quickly as possible...."
Board Chair

"I totally support the intent of what the commentary has been."
Board Member 5

"I move."
Board Member 6

"Second."
Board Member 5

"OK, that's unanimous."
Board Chair

Transcription of Planning Board Comments:
Alton Road CD-2 Zoning in Relation to the RM-1 Historic District
 City of Miami Beach Planning Board meeting of Jan. 24, 2006

Verbatim Board discussion following close of public discussion, from 5:28-5:40 pm
(NB: comments related to the adjoining RM-1 zoning district are abridged.)

Victor Diaz, Chair: I think that reasonable people can disagree about [the scope of reform needed for two downzoning issues within the RM-1 historic district].

I don't think reasonable people can disagree that the CD-2/RM-2 bonus is *wholly* incompatible with the adjacent zoning. I think that when you look at these boxes that Mark prepared, it shows you an incompatibility which is not only detrimental to the adjoining single-family neighborhood, it's detrimental to Alton Road. I don't think that we want to see – someone made the point – I don't think we want to see 5-story, mixed-use buildings lining Alton Road, I think Alton Road is essentially a commercial corridor and it should be a commercial corridor and encourage development consistent with that and a scale consistent with that.

I am prepared *personally* to go with every single recommendation that the Flamingo Park neighborhood and the Historic Preservation Board went with. I am on board with [the two RM-1 issues] and I am totally on board with moving forward with taking the height on that Alton Road corridor, just taking it to the CD-2 and eliminating the RM-2 loophole altogether, and considering whether it needs to be taken further within that.

I wanted to highlight that I think there are areas where reasonable people can disagree and I think there are areas that are just black and white, but I think we do need to move this process forward. I can understand if people don't want to go with [downzoning reforms within the RM-1] and I can understand if people don't want to go down to CD-1 on the Alton Road corridor, but I think that in order to solve the problem what we need to do is bring – give the staff some guidance, bring some regulations to the next meeting – bring the more restrictive regulations unless there is absolutely no support so that then we have the ability to liberalize them at the public hearing – and have a public hearing, give everybody an opportunity to be heard, and take action so we can have zoning-in-progress as quickly as possible....

[Discussion with City Attorney about legal impact of advertising more-liberal or more-restrictive zoning.]

That's my feeling on it. Roberto.

Roberto Sanchez: [Expresses disagreement on scope of reforms within RM-1 district.] We really have to be reasonable, and I think that on the Alton Road corridor, I think that I

agree with that. I think we cannot allow them to build the monstrosity that you are talking about and I'm in favor of doing that....

Diaz: So you're in favor of doing everything except [one of the two RM-1 reforms]. OK, how do other board members feel?

Jorge Kuperman: I'm in favor of that too, I think that the character of Alton Road needs to be preserved, by all means.... [Expresses agreement with only one of two RM-1 reforms].

Cathy Leff: The character of Alton Road? You were saying the character of Alton Road?

Diaz: Yes, he's saying to address the CD-2 zoning and RM-2 loophole... [and address one of the RM-1 issues].

Marlo Courtney: First off, I think that we have to do everything we can to preserve this fabulous Flamingo district... [Expresses agreement with both RM-1 reforms.] As far as the CD-2, I agree that we definitely need to minimize the scale and retain more of a street-level scale on Alton Road, and that that 4- or 5-story possibility on Alton Road is very dangerous and I wouldn't want to see that.

Diaz: OK, so we've got so far...—this is why, and we can keep going around, but my feeling is we're not taking final action on this. This is a workshop... [discusses rationale for considering all issues at full hearing]. I'll entertain a motion that we ask staff to bring at the next meeting a set of regulations in order to address the three issues... [including both RM-1 issues] and eliminating the RM-2 loophole and addressing the height on Alton. Again, you may want to go to CD-2, you may want to go to CD-1 or whatever staff wants to recommend but the Board is giving you definite guidance that we want the RM-2 loophole eliminated at a minimum and if you want to bring other suggestions forward you do so at the next meeting. Are you OK with that George? OK.

Leff: I just want to ask a question. I mean, I totally support the intent of what the commentary has been. My only question is regard to [one of the RM-1 issues. Followed by discussion of this issue.]

Joy Malakoff: I move.

Diaz: The motion has been made by Joy, is there a second?

Leff: Second.

Diaz: Seconded by Cathy. All in favor please indicate by saying "aye". [Ayes spoken.] Opposed? OK, that's unanimous.

Condensed Title:

Resolution consenting to the appointment of Gladys Acosta as the Director of the Information Technology Department.

Key Intended Outcome Supported:

Attract and maintain a quality workforce and improve process through information technology.

Issue:

Shall the City Commission appoint Gladys Acosta as the Director of the Information Technology Department?

Item Summary/Recommendation:

A resolution consenting to the appointment of Gladys Acosta as the Director of the Information Technology Department.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Ramiro Inguanzo, Chief of Staff

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		<i>R. Inguanzo for:</i>

T:\AGENDA\2006\apr1106\consent\Gladys Acosta Summary.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *R. Inguanzo for:*

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CONSENTING TO THE APPOINTMENT OF GLADYS ACOSTA AS THE DIRECTOR OF THE INFORMATION TECHNOLOGY DEPARTMENT.**

ADMINISTRATION RECOMMENDATION

Pursuant to the requirements of Article IV Section 4.02 of the City Charter, it is recommended that the Mayor and Commission adopt the attached Resolution consenting to the appointment of Gladys Acosta as the Director of the Information Technology Department.

ANALYSIS

Ms. Acosta has been serving as the Acting Director of the Information Technology (IT) Department since 2004. Prior to this position, Ms. Acosta served as the Technical Services Manager for the IT Department from 1999 to 2004.

In her positions with the IT Department, Ms. Acosta has played a major role in the introduction and integration of new technologies; strategic planning and design of a citywide wireless broadband network (WiFi); establishment of new business practices in an effort to positively impact the organization; application of best practice standards for security; successful completion of Data Center restructure project; negotiation and implementation of a Storage Area Network Device; encouragement of partnerships with the private sector; analysis of building layouts regarding telecommunications infrastructure and equipment requirements; development of budget estimates and financial plans for providing voice and data communications services; implementation of a new 911 Positron Communications system; and management of the citywide 800-Megahertz Motorola Public Safety Radio System.

Ms. Acosta has done a great job in her role as Acting IT Director and has proven to be a valuable and effective leader. Her continued commitment to the City and her leadership in the IT area will help ensure that the City continues achieving its goals. Attached is a resume for Ms. Acosta.

CONCLUSION

While in most Council/Manager governments, Managers are typically granted broad authority to select key department heads, an old provision of our charter requires consent by Commission. Therefore, this recommendation is for consent.

JMG/ri

T:\AGENDA\2006\apr1106\consent\Gladys Acosta Memo.doc

Gladys Acosta

6210 Leonardo St, Coral Gables, FL 33146•305 218-1099•gacosta@miamibeachfl.gov

INFORMATION TECHNOLOGY DIRECTOR

MANAGEMENT PROFILE

Information Technology• Voice Over IP• Strategic Planning

Technology and business professional with management and hands-on experience in analyzing and automating business processes in a large scale enterprise environment. Strong record of success in creating robust IT architecture and infrastructures and proven ability to bring the benefits of Information Technology (IT) to solve business issues while managing costs and risks.

- ♦ Technology Architecture & Integration
- ♦ Public Safety 800 MHz Systems
- ♦ Global IT Delivery & Project Management
- ♦ Budgeting & Cost Control
- ♦ Organization & Staff Development
- ♦ Leading Edge IT Development
- ♦ Voice Over IP (VOIP) Deployment
- ♦ Staff Management & Team Building
- ♦ Strategic Analysis & System Integration
- ♦ E-Government Development

Dynamic management career with strong leadership, problem-solving, planning, team-building and project management skills. Recruit, develop, motivate and retain diverse staff structuring them in teams that deliver results and savings. Full responsibility for multi-million dollar budgets with successful business management.

PROFESSIONAL EXPERIENCE

City of Miami Beach, Miami Beach, FL
Information Technology Department
Acting IT Director

2004 to present

Provide leadership as head of the IT Department for all aspects of strategic IT planning for implementation and support citywide as an integral component of the City's Strategic Plan. The IT Department has been transformed into a strategic business partner to provide tools that enhance the City of Miami Beach's ability to deliver world-class service to the City's residents and visitors by helping the City satisfy its customers' needs for creative solutions. This includes all the information technology standards and policies; infrastructure enterprise application selection, development, implementation and support; consultation to departments; systems integration of applications for the enterprise; public safety systems and end-user desktop support. Manage and deliver multiple large scale projects on time and within budget. Responsible for budgeting, design, implementation and support of all enterprise technology projects.

- Effectively introduced and integrated new technologies: Internet, Intranet and E-Government applications for citizens and City employees to use web-enabled technology to reduce the time and cost required for members of the workforce and community to access selected City of Miami Beach Government information and services.
- Integral member of the strategic planning and design of a citywide wireless broadband network (WiFi) to enhance the City's Public Safety and wireless mobile network and provide free Internet public access.
- Instituted new business practices in an effort to positively impact the organization as well as adhere to the City's Strategic Plan and Vision.
- Applying best practice standards for security; Implemented City-wide VLAN project; Enhanced physical security for all city networking closets and port security; Implementation of Enterprise Security Manager.
- Successfully completed Data Center restructure project to allow for increased availability of power during catastrophic events with City staff resulted in at \$ 300K project savings.

- Negotiation and implementation of a Storage Area Network Device which is a strategic enterprise storage solution that is scalable and will provide the necessary space to accomplish each departments needs. The new IBM DS8100 SAN was purchased with a \$ 400K savings to the City and will have ten (10) terabytes of physical space.
- Encourage partnerships with the private sector where appropriate and cost effective. Commercially proven solutions have been considered whenever equivalent services can be acquired more economically and that meet the City's requirements. Implementation of the Telestaff Fire Scheduling System; LaserFische Weblink with City Clerks Office ; Active Strategy Performance Management with Budget Management; City Works IMS/GIS with Public Works; and TRIM 2K and Hortiopia Software with Parks and Recreation.
- Provided implementation services for the City's new Enterprise Resource Planning (ERP) System including data extraction, data mapping, data conversion, module setup, security and training.
- Implementation of Information Technology projects that contribute to the strategic business objective leveraging the City's IT capability: Voice Over Internet Protocol (VOIP) for City Hall and all remote sites, Installation of a new Motorola 800 MHz Simulcast Public Safety Radio System; Installation of a second IVR to distribute the load and provide redundancy between the two IVR systems.
- Applying best practice standards for security; Implemented City-wide VLAN project; Enhanced physical security for all city networking closets and port security; Implementation of Enterprise Security Manager.

**Information Technology Department
Technical Services Manager**

1999 to 2004

Responsible for directing and supervising the operations within the Computers and Communication Department with an extensive network of interconnect distributed processors in various remote facilities. This requires advanced technical work in directing the design, development and implementation of new fiber optic networks and telecommunications infrastructure. This is done through the acquisition, installation and operation of switches, servers and application software to support systems for the City. Supervision is exercised through various levels of subordinates over a variety of technical, professional, administrative, specialized and clerical employees with assigned responsibilities in various phases of department operations.

- Responsible for reviewing the request for new network application utilization, and assist in determining priorities and relative merit of proposed computer usage.
- Analyzed building layouts regarding telecommunications infrastructure and equipment requirements citywide for new installations and changes.
- Developed and support budget estimates and financial plans for providing voice and data communications services and for the acquisition of hardware and software, or for the development of such software.
- Participated in the implementation of a new 911 Positron Communications system.
- Management of the citywide 800-Megahertz Motorola Public Safety Radio System and CAD.
- Maintain a Wide Area Network (WAN) that support connectivity to remote facilities over a Gigabit infrastructure.

Williams Communication Solutions, Miami, FL
CTI Design Consultant

1998-1999

Responsible for the review and analysis of business processes, call center call flows, workflows, management needs and technological requirements. These tasks include the development of advanced applications solutions to enable a seamlessly integration of complex telecommunication technologies in a single or multiple Call Center environments. The following technology applications are areas of expertise:

- Development of Interactive Voice Response (IVR) systems.
- Computer Telephony Integration (CTI) to maximize efficiencies.
- Integration with Customer Information Management System.
- Outbound/Predictive Dialing to enhance communication.
- Increase productivity through workflow efficiencies.
- Ensured smooth integration of business processes with technology.
- Completion of projects on time and within budget.

Topp Telecom Inc, Miami, FL
Vice President of Operations

1996-1998

Member of a policy making corporate executive management team that managed the deployment of proprietary wireless technology nationwide. Responsible for all Information Technology personnel, systems and applications that were required to support the two nationwide Customer Service Centers, in a rapidly growing environment with an annual budget in excess of 3.5 million. Managed a staff of over 100 employees including Directors, Managers and Supervisors with additional resources as required. Negotiated and managed the outsourcing contract with TeleServices Resources. Additional responsibilities included the design, development and implementation of systems (Novell NT) to automate the internal Call Center, administrative and operational staff.

- Increased Call Center productivity through application development and deployment.
- Instrumental in the design of in-house IVR system used to support a Call Center.
- Manage global relationships with key vendors, consultants, licensees and Topp Telecom affiliates.
- Hired, managed and retained staff while fostering productivity, quality and initiative.
- Built an Information Technology Division to support nationwide operations.

PTC Cellular, Inc., Miami, FL
Director of Customer Service/Carrier Relations

1994-1996

Instrumental in the start-up and organization of the Carrier Relations Department into a cost effective, well controlled and efficient operation.

- Negotiated and implemented national wireless carrier contracts that supported over 15,000 cellular lines across the United States.
- Implemented and automated the tape/billing reconciliation system for the auditing of carrier invoices.
- Increased corporate visibility in the wireless industry by developing fraud prevention systems and contract negotiations.
- Executive contact for all wireless carrier issues.
- Manage the Customer Service Center which provided twenty-four hours/seven days staff coverage.
- Worked with Information Technology staff to develop and implement the methodology to improve call wait time, abandoned rate and response time.

BellSouth, Miami, FL
Wireless Carrier Services

1983-1994

Key member of a marketing account team that is responsible for sales and implementation of complex services.

- Assisted in the designing efforts of fiber optic systems.
- Represented the Wireless Services group on various Quality Action teams.
- Responsible for the coordination and implementation of interconnection wireless services for the BellSouth region.
- Day to day activities involved interfacing with Outside Plant Engineering, Building Industry Consultants, and Special Services to ensure the customer receives the correct services in a timely fashion.
- Monitored account activity to enhance and gain customer retention.

Computer Operations

1979-1983

Responsible for operating the following computer systems:

- UNIVAC 11/60, IBM System 7, Series 1, DEC 11/70 and DEC 11/34.
- Operational on on-line systems.
- Central point of contact for outages within the BellSouth region.

EDUCATION

Master of Business Administration, Nova University, 10/1993
Bachelor of Science, Nova University, 02/1992

RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution Authorizing The City Manager Or His Designee To Apply For And Accept The Following Two (2) Grants.

Key Intended Outcomes Supported:

- 1) Reduce the number of homeless.
- 2) Maintain crime rates at or below national trends and Increase community satisfaction with City services.

Issue:

Shall The City Support The Following Funding Requests?

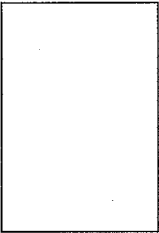
Item Summary/Recommendation:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Authorizing The City Manager Or His Designee To Submit The Following Grant Funding Requests: 1) Grant Application To The Miami-Dade County Homeless Trust For Funding In An Amount Not To Exceed \$64,000 For Funding From The 2006 HUD Super Nofa For Homeless Outreach And Placement Activities; And 2) Grant Application To The Children's Trust, Service Partnership Program For Funding, In An Amount Not To Exceed \$400,000 For The Planning Phase And Pilot Program Of A Service Partnership To Serve Youth Ages 13-18 Years; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications.

Advisory Board Recommendation:

N/A

Financial Information:

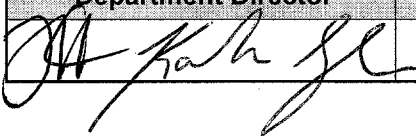

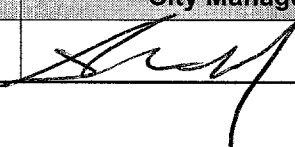
Source of Funds:	Grant #	Grant Name/ Project	Grant Amount	Match Amount/ Source
	1	MDC Homeless Trust - Outreach & Placement Activities	\$64,000	N/A – No Match Required.
	2	The Children's Trust - Service Partnership	\$400,000	N/A – No Match Required.
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Judy Hoanshelt, Grants Manager, Office Of Budget And Performance Improvement

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMIBEACH

AGENDA ITEM C7C
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG [Signature]

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT THE FOLLOWING GRANT FUNDING REQUESTS: 1) GRANT APPLICATION TO THE MIAMI-DADE COUNTY HOMELESS TRUST FOR FUNDING IN AN AMOUNT NOT TO EXCEED \$64,000 FOR FUNDING FROM THE 2006 HUD SUPER NOFA FOR HOMELESS OUTREACH AND PLACEMENT ACTIVITIES; AND 2) GRANT APPLICATION TO THE CHILDREN'S TRUST, SERVICE PARTNERSHIP PROGRAM FOR FUNDING, IN AN AMOUNT NOT TO EXCEED \$400,000 FOR THE PLANNING PHASE AND PILOT PROGRAM OF A SERVICE PARTNERSHIP TO SERVE YOUTH AGES 13-18 YEARS; FURTHER APPROPRIATING THE GRANTS AND MATCHING FUNDS, IF APPROVED AND ACCEPTED BY THE CITY; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THESE APPLICATIONS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1. Approval to submit a grant application to the Miami-Dade County Homeless Trust for funding in an amount not to exceed \$64,000 for funding from the 2006 Supportive Housing Program Grant Renewal for homeless outreach and placement activities

The Miami-Dade County Community Homeless Trust was created in 1993, and is tasked with the planning and delivery of homeless housing and services in the County. The Homeless Trust is a policy board and does not provide direct services but, rather, contracts with public and private non-profit organizations to implement the goals of the Homeless Plan.

The Trust has a 12-member staff that is responsible for implementing policy and administering the Federal and State Homeless funding.

The City, through its Neighborhood Services Department receives funding from the Homeless Trust for its Homeless Outreach program. The City proposes applying to the Homeless Trust for funding from its 2006 HUD Super Notice of Funding Availability in an amount not to exceed \$64,000. Since this application will be a renewal of funding, the City anticipates receiving \$63,993 as in prior years. Funding is administered by the Miami-Dade County Homeless Trust. The grant does not require matching funds. Supports the Key Intended Outcome: Reduce the number of homeless.

2. Retroactive approval to submit a grant application to The Children's Trust in an amount not to exceed \$400,000, for the planning phase and pilot program of a service partnership to serve youth ages 13-18 years

The Children's Trust Service Partnership program provides funding for the planning phase and pilot program of a Service Partnership. A Service Partnership is a group of services and providers organized to provide comprehensive services to meet the individual needs of children and families. All Service Partnerships require a collaborative partnership of varied health and social service agencies in a shared governance structure with community involvement.

The City, through its Neighborhood Services Department has proposed a project that will provide entrepreneur, vocational and personal skills training to youth aged 13 to 18, while solidifying a sustainable service partnership among Miami Beach providers. By utilizing a successful business model, the program will reduce truancy and increase commitment to community among youth while empowering agencies and youth to return to school to learn best practices, establish a commitment to excellence and build capacity.

Phase one of the proposed program will identify needs and assets among the target population, address the infrastructure and capacity deficiencies of youth providers serving this population and solidify the agencies' ability to effectively engage and collaborate with one another. The pilot project, commencing as the planning phase begins to wind down, will target youth with intensive services utilizing successful business principles and engaging community partners.

Once the planning phase grant program and pilot program have been approved by the Children's Trust, a successful Service Partnership will be funded, based on an approved scope of work, for full operation including additional community partners, with an operational grant.

The Administration requests retroactive approval to apply for funding in an amount not to exceed \$400,000 for the planning phase and pilot program of a Service Partnership program. The grant does not require matching funds, however the City will leverage existing funding for this program. Supports the Key Intended Outcome: Maintain crime rates at or below national trends and Increase community satisfaction with City services.

CONCLUSION

The Administration requests approval to authorize the City Manager or his designee to submit the following grant funding requests: 1) grant application to the Miami-Dade County Homeless Trust for funding in an amount not to exceed \$64,000 for funding from the 2006 HUD Super NOFA for homeless outreach and placement activities; and 2) grant application to the Children's Trust, Service Partnership Program for funding, in an amount not to exceed \$400,000 for the planning phase and pilot program of a Service Partnership to serve youth ages 13-18 years; further appropriating the grants and matching funds, if approved and accepted by the City; and authorizing the execution of all necessary documents related to these applications.

JMG/KB/MR/JH

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

A Resolution authorizing the City Manager to issue a Certificate of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach (HACMB) for their Annual Plan for Fiscal Year 2006 to be submitted to the U.S. Department of Housing and Urban Development.

Key Intended Outcome Supported:

Increase access to workforce or affordable housing.

Issue:

Shall the City authorize the City Manager to issue a Certificate of Consistency with the Consolidated Plan to HACMB for their Annual Plan for Fiscal Year 2006.

Item Summary/Recommendation:

HACMB requested a Certification of Consistency with the Consolidated Plan as part of their Annual Plan for Fiscal Year 2006. HACMB is required by the Public Housing Reform Act of 1998, to submit an Annual Plan and obtain a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where they operate. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Advisory Board Recommendation:

N/A

Financial Information:

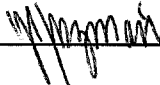
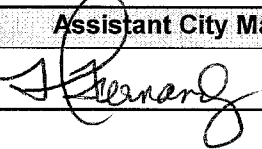
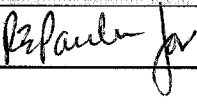
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> OBPI	1	N/A		
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Vivian P. Guzmán

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: *George M. Gonzalez*
George M. Gonzalez, City Manager

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB) FOR THEIR ANNUAL PLAN FOR FISCAL YEAR 2006, TO BE SUBMITTED BY HACMB TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (U.S. HUD).**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On February 7, 2006, the Housing Authority of the City of Miami Beach (HACMB) requested a Certification of Consistency with the Consolidated Plan as part of their Annual Plan for Fiscal Year 2006. HACMB submits documents to U.S. HUD annually to enable them to continue receiving federal funding for their housing programs. HACMB is required by the Public Housing Reform Act of 1998, to submit an Annual Plan and a Five Year Plan.

As part of the Annual Plan, U.S. HUD requires that housing authorities obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where they operate. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

The Housing Authority's Annual Plan for Fiscal Year 2006 includes a Capital Fund Program Statement, and delineates the main goals to be implemented by HACMB. The Plan identifies an estimated \$247,702 in Capital Fund repairs and enumerates two goals for HACMB:

- Continue to work with the Miami Beach Community Development Corporation (MBCDC) to provide numerous homebuyer counseling programs and;
- Continue, in conjunction with MBCDC, to work with various mortgage lenders in an effort to provide a broader spectrum of financial assistance options for qualified homebuyers.

A copy of the Housing Authority's Annual Plan for Fiscal Year 2006 is attached.

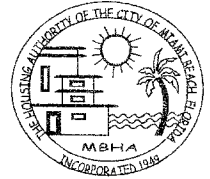
The City's Consolidated Plan identifies long term objectives in Chapter 4, "Five Year Strategy." Under the Housing Strategy, page 4-21, the Consolidated Plan identifies HACMB as an integral part of the institutional structure, with HACMB partnering with the City through an interlocal agreement. HACMB provides many services to low and moderate income populations, such as daycare services, homeownership opportunities, and transitional housing.

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach (HACMB) for their Annual Plan for Fiscal Year 2006 to be submitted by HACMB to U.S. HUD.

JMG/HMF/VPC/TU

T:\AGENDA\2006\apr1106\consent\HACMB Annual Plan 2006 Memo.doc

**THE HOUSING AUTHORITY
OF THE
CITY OF MIAMI BEACH**



BOARD OF COMMISSIONERS

MARIA BEATRIZ GUTIERREZ
CHAIRPERSON

STEVEN E. CHAYKIN
VICE CHAIRMAN

ROSALIA LOPEZ
COMMISSIONER

200 Alton Road
MIAMI BEACH, FL 33139-6742
TELEPHONE: 305-532-6401
FAX: 305-674-8001
TDD 305-672-5501

MILLI MEMBIELA
COMMISSIONER

LEONARD TURKEL
COMMISSIONER

MIGUELL DEL CAMPILLO
EXECUTIVE DIRECTOR

February 7, 2006

Thomas Uriolla, Acting Director
Community Development & Housing Division
City of Miami Beach
555 17th Street
Miami Beach, FL 33139

2006 FEB -7 PM 3:29
CITY OF MIAMI BEACH
NEIGHBORHOOD SERVICES DEPT.

Re: HACMB Annual Plan for FY 2006

Dear Thomas:

The Housing Authority of the City of Miami Beach (HACMB) is in the process of preparing its Annual Plan for FY 2006 for submittal to U.S. HUD. The HACMB respectfully requests that the City of Miami Beach issue a Certification of Consistency with the Consolidated Plan for the Plans. The deadline for submittal to U.S. HUD is April 17, 2006. A copy of the Plan is attached for your information.

The HACMB requests that the Certification of Consistency with the Consolidated Plan be placed on the April 11, 2006 City Commission Meeting agenda for approval. The certification form is attached for your reference.

Please let me know if you have any questions or need any further information.

Sincerely,


Miguell Del Campillo
Executive Director

cc: Vivian P. Guzman, Director, Neighborhood Services Department, CMB

MDC/moh

PHA Plans

Streamlined Annual
Version

U.S. Department of Housing and
Urban Development
Office of Public and Indian
Housing

OMB No. 2577-
0226
(exp. 05/31/2006)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937 that introduced 5-year and annual PHA Plans. The full PHA plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form allows eligible PHAs to make a streamlined annual Plan submission to HUD consistent with HUD's efforts to provide regulatory relief for certain types of PHAs. Public reporting burden for this information collection is estimated to average 11.7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development, Federal Housing Administration, is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Information in PHA plans is publicly available.

Streamlined Annual PHA Plan for Fiscal Year: 2006 PHA Name: The City of Miami Beach Housing Authority

NOTE: This PHA Plan template (HUD-50075-SA) is to be completed in accordance with instructions contained in previous Notices PIH 99-33 (HA), 99-51 (HA), 2000-22 (HA), 2000-36 (HA), 2000-43 (HA), 2001-4 (HA), 2001-26 (HA), 2003-7 (HA), and any related notices HUD may subsequently issue.

PHA Name:
20
HA Code:

Streamlined Annual Plan for Fiscal Year

Streamlined Annual PHA Plan Agency Identification

PHA Name: The Housing Authority of the City of Miami Beach
PHA Number: FL017

PHA Fiscal Year Beginning: (07/2006)

PHA Programs Administered:

☒ **Public Housing and Section 8** ☐ **Section 8 Only** ☐ **Public Housing Only**
Number of public housing units: 200 Number of S8 units: Number of public housing units:
Number of S8 units: 2834

☐ **PHA Consortia:** (check box if submitting a joint PHA Plan and complete table)

Participating PHAs	PHA Code	Program(s) Included in the Consortium	Programs Not in the Consortium	# of Units Each Program
Participating PHA 1:				
Participating PHA 2:				
Participating PHA 3:				

PHA Plan Contact Information:

Name: Miguell Del Campillo
TDD: (305) 672-5501

Phone: (305) 532-6401
Email (if available): ed@mbha.org

Public Access to Information

Information regarding any activities outlined in this plan can be obtained by contacting:
(select all that apply)

☒ PHA's main administrative office ☐ PHA's development management offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plan revised policies or program changes (including attachments) are available for public review and inspection. ☒ Yes ☐ No.

If yes, select all that apply:

☒ Main administrative office of the PHA
☐ PHA development management offices
☐ Main administrative office of the local, county or State government
☐ Public library ☐ PHA website ☐ Other (list below)

PHA Name:
20
HA Code:

Streamlined Annual Plan for Fiscal Year

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

- ☒ Main business office of the PHA ☐ PHA development management offices
☐ Other (list below)

Streamlined Annual PHA Plan

Fiscal Year 2006

[24 CFR Part 903.12(c)]

Table of Contents

[24 CFR 903.7(r)]

Provide a table of contents for the Plan, including applicable additional requirements, and a list of supporting documents available for public inspection.

A. PHA PLAN COMPONENTS

- ☒ 1. Site-Based Waiting List Policies
903.7(b)(2) Policies on Eligibility, Selection, and Admissions
☐ 2. Capital Improvement Needs
903.7(g) Statement of Capital Improvements Needed
☐ 3. Section 8(y) Homeownership
903.7(k)(1)(i) Statement of Homeownership Programs
☐ 4. Project-Based Voucher Programs
☒ 5. PHA Statement of Consistency with Consolidated Plan. Complete only if PHA has changed any policies, programs, or plan components from its last Annual Plan.
☐ 6. Supporting Documents Available for Review
☐ 7. Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report
☐ 8. Capital Fund Program 5-Year Action Plan

B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

Form HUD-50076, PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Streamlined Annual Plan identifying policies or programs the PHA has revised since submission of its last Annual Plan, and including Civil Rights certifications and assurances the changed policies were presented to the Resident Advisory Board for review and comment, approved by the PHA governing board, and made available for review and inspection at the PHA's principal office;

For PHAs Applying for Formula Capital Fund Program (CFP) Grants:

Form HUD-50070, Certification for a Drug-Free Workplace;

Form HUD-50071, Certification of Payments to Influence Federal Transactions; and

Form SF-LLL & SF-LLLa, Disclosure of Lobbying Activities.

1. Site-Based Waiting Lists (Eligibility, Selection, Admissions Policies)

[24 CFR Part 903.12(c), 903.7(b)(2)]

Exemptions: Section 8 only PHAs are not required to complete this component.

A. Site-Based Waiting Lists-Previous Year

1. Has the PHA operated one or more site-based waiting lists in the previous year? If yes, complete the following table; if not skip to B.

Site-Based Waiting Lists				
Development Information: (Name, number, location)	Date Initiated	Initial mix of Racial, Ethnic or Disability Demographics	Current mix of Racial, Ethnic or Disability Demographics since Initiation of SBWL	Percent change between initial and current mix of Racial, Ethnic, or Disability demographics

2. What is the number of site based waiting list developments to which families may apply at one time?
3. How many unit offers may an applicant turn down before being removed from the site-based waiting list?
4. ☐ Yes ☐ No: Is the PHA the subject of any pending fair housing complaint by HUD or any court order or settlement agreement? If yes, describe the order, agreement or complaint and describe how use of a site-based waiting list will not violate or be inconsistent with the order, agreement or complaint below:

B. Site-Based Waiting Lists – Coming Year

If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to next component.

1. How many site-based waiting lists will the PHA operate in the coming year?
2. ☐ Yes ☐ No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?
If yes, how many lists?
3. ☐ Yes ☐ No: May families be on more than one list simultaneously?
If yes, how many lists?
4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
 - ☐ PHA main administrative office
 - ☐ All PHA development management offices
 - ☐ Management offices at developments with site-based waiting lists
 - ☐ At the development to which they would like to apply
 - ☐ Other (list below)

2. Capital Improvement Needs

[24 CFR Part 903.12 (c), 903.7 (g)]

Exemptions: Section 8 only PHAs are not required to complete this component.

A. Capital Fund Program

1. ☒ Yes ☐ No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 7 and 8 of this template (Capital Fund Program tables). If no, skip to B.
2. ☐ Yes ☒ No: Does the PHA propose to use any portion of its CFP funds to repay debt incurred to finance capital improvements? If so, the PHA must identify in its annual and 5-year capital plans the development(s) where such improvements will be made and show both how the proceeds of the financing will be used and the amount of the annual payments required to service the debt. (Note that separate HUD approval is required for such financing activities.).

B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)

Applicability: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

1. ☐ Yes ☒ No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to #3; if yes, provide responses to the items on the chart located on the next page, copying and completing as many times as necessary).

1. Status of HOPE VI revitalization grant(s):

HOPE VI Revitalization Grant Status	
a. Development Name:	
b. Development Number:	
c. Status of Grant:	
	<input type="checkbox"/> Revitalization Plan under development
	<input type="checkbox"/> Revitalization Plan submitted, pending approval
	<input type="checkbox"/> Revitalization Plan approved
	<input type="checkbox"/> Activities pursuant to an approved Revitalization Plan underway

3. ☐ Yes ☒ No: Does the PHA expect to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name(s) below:
4. ☐ Yes ☒ No: Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year? If yes, list developments or activities below:
5. ☐ Yes ☒ No: Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement? If yes, list developments or activities below:

3. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program
(if applicable) [24 CFR Part 903.12(c), 903.7(k)(1)(i)]

1. ☐ Yes ☐ No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If "No", skip to the next component; if "yes", complete each program description below (copy and complete questions for each program identified.)

2. Program Description:

- a. Size of Program

☒ Yes ☐ No: Will the PHA limit the number of families participating in the Section 8 homeownership option?

If the answer to the question above was yes, what is the maximum number of participants this fiscal year? 26

b. PHA-established eligibility criteria

☐ Yes ☒ No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?
If yes, list criteria:

- family must be a first time homeowner or have a member who is a person with disabilities.
- family must meet a minimum income requirement without counting income from welfare assistance sources (excluding elderly and disabled households).
- Family must meet the requisite employment criteria (excluding elderly and disabled households).
- Family must have completed an initial lease term in the HACMB's Section 8 Housing Choice Voucher program.
- Family must have fully repaid any outstanding debt to the HACMB or any other Housing Authority.
- Family can not have defaulted on a mortgage security debt to purchase a home under the home ownership option.
- Family can not have any member who has a present ownership interest in a residence at the commencement of home ownership assistance.

c. What actions will the PHA undertake to implement the program this year (list)?

- The HACMB in conjunction with Miami Beach Community Development Corporation (MBCDC) will provide the following counseling programs:
Pre-occupancy, Mortgage default and rent delinquency, post occupancy, home improvement and rehabilitation, pre-foreclosure sale, displacement and relocation, first time homebuyer, home equity conversion mortgage.
- The HACMB in conjunction with MBCDC will work with various mortgage lenders in order to provide a broader spectrum of financial assistance options.

3. Capacity of the PHA to Administer a Section 8 Homeownership Program:

The PHA has demonstrated its capacity to administer the program by (select all that apply):

- ☒ Establishing a minimum homeowner downpayment requirement of at least 3 percent of purchase price and requiring that at least 1 percent of the purchase price comes from the family's resources.
- ☒ Requiring that financing for purchase of a home under its Section 8 homeownership will be provided, insured or guaranteed by the state or Federal government; comply with

- secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards.
- ☒ Partnering with a qualified agency or agencies to administer the program (list name(s) and years of experience below):

The HACMB is working in conjunction with Miami Beach Community Development Corporation (MBCDC) which has had a homeownership program since 1989.

- ☐ Demonstrating that it has other relevant experience (list experience below):

4. Use of the Project-Based Voucher Program

Intent to Use Project-Based Assistance

☒ Yes ☐ No: Does the PHA plan to "project-base" any tenant-based Section 8 vouchers in the coming year? If the answer is "no," go to the next component. If yes, answer the following questions.

1. ☒ Yes ☐ No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option? If yes, check which circumstances apply:

- ☐ low utilization rate for vouchers due to lack of suitable rental units
☒ access to neighborhoods outside of high poverty areas
☒ other (describe below:) to provide additional affordable housing in Miami Beach

2. Indicate the number of units and general location of units (e.g. eligible census tracts or smaller areas within eligible census tracts): 50 Units in the City of Miami Beach

5. PHA Statement of Consistency with the Consolidated Plan

[24 CFR Part 903.15]

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary) only if the PHA has provided a certification listing program or policy changes from its last Annual Plan submission.

1. Consolidated Plan jurisdiction: (provide name here)

The City of Miami Beach

2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

- ☒ The PHA has based its statement of needs of families on its waiting lists on the needs expressed in the Consolidated Plan/s.
- ☒ The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- ☒ The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- ☒ Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
- ☒ Other: (list below)

3. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

The Consolidated Plan identifies the needs and commits the funds to assist the elderly, disabled, low and moderate-income families by promoting development and retention of affordable housing in the City of Miami Beach.

6. Supporting Documents Available for Review for Streamlined Annual PHA Plans

PHAs are to indicate which documents are available for public review by placing a mark in the "Applicable & On Display" column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
X	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans;</i>	5 Year and Annual Plans
X	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Streamlined Annual Plan</i>	Streamlined Annual Plans
X	<i>Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.</i>	5 Year and standard Annual Plans
X	Fair Housing Documentation Supporting Fair Housing Certifications: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	5 Year and Annual Plans
X	Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA's public housing and Section 8 tenant-based waiting lists.	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources

PHA Name:
20
HA Code:

Streamlined Annual Plan for Fiscal Year

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Deconcentration Income Analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. <input type="checkbox"/> Check here if included in the public housing A&O Policy.	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the method for setting public housing flat rents. <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development. <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 payment standard policies. <input type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation).	Annual Plan: Operations and Maintenance
X	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
X	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency
X	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
X	Any policies governing any Section 8 special housing types <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
X	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans, or any other approved proposal for development of public housing.	Annual Plan: Capital Needs
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
X	Approved or submitted applications for designation of public housing (Designated Housing Plans).	Annual Plan: Designation of Public Housing

PHA Name:
20
HA Code:

Streamlined Annual Plan for Fiscal Year

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937.	Annual Plan: Conversion of Public Housing
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
X	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs <input type="checkbox"/> Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
X	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Pet Policy
X	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)
	Consortium agreement(s) and for Consortium Joint PHA Plans <u>Only</u> : Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection.	Joint Annual PHA Plan for Consortia: Agency Identification and Annual Management and Operations

7. Capital Fund Program Annual Statement/Performance and Evaluation Report and Replacement Housing Factor

Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary

PHA Name: The Housing Authority of the City of Miami Beach

Grant Type and Number

Capital Fund Program Grant No: FL1PO1750106

Replacement Housing Factor Grant No:

Federal FY
of Grant:
2006

☐ Original Annual Statement ☐ Reserve for Disasters/ Emergencies ☐ Revised Annual Statement (revision no:)
☐ Performance and Evaluation Report for Period Ending: 2006 ☐ Final Performance and Evaluation Report

Line No.	Summary by Development Account	Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	167,084			
11	1465.1 Dwelling Equipment—Nonexpendable	49,740			
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition	30,878			
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	247,702			
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504				

7. Capital Fund Program Annual Statement/Performance and Evaluation Report and Replacement Housing Factor

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary			
PHA Name: The Housing Authority of the City of Miami Beach		Grant Type and Number Capital Fund Program Grant No: FL1PO1750106 Replacement Housing Factor Grant No:	
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: 2006 <input type="checkbox"/> Final Performance and Evaluation Report		Federal FY of Grant: 2006	
Line No.	Summary by Development Account	Total Estimated Cost	
		Original	Revised
	compliance		
24	Amount of line 21 Related to Security - Soft Costs		
25	Amount of Line 21 Related to Security - Hard Costs		
26	Amount of line 21 Related to Energy Conservation Measures		
		Total Actual Cost	
		Obligated	Expended

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part II: Supporting Pages			
PHA Name: The Housing Authority of the city of Miami Beach		Grant Type and Number Capital Fund Program Grant No: FL1PO1750106 Replacement Housing Factor Grant No:	
		Federal FY of Grant: 2006	
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity
			Total Estimated Cost
			Original
			Revised
			10,200
			32,700
			6,846
			Total Actual Cost
			Funds Obligated
			Funds Expended
			Status of Work
FL017	Refrigerator		
	Air conditioning		
	Stove		

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages**

164

8. Capital Fund Program Five-Year Action Plan

[illegible]

8. Capital Fund Program Five-Year Action Plan

Capital Fund Program Five-Year Action Plan

Part II: Supporting Pages—Work Activities

[illegible]

Amendment Number FL017a01 – PHA Management Organizational Chart

Please be advised that the above referenced amendment was created with Microsoft Visio and was delivered to the local HUD office along with the certifications, and is not part of our electronic submission to the HUD website.

Required Attachment FL017b01

Advisory Board Meeting/5 Year Plan Public Meeting

*Comments on the Housing Authority of the City of Miami Beach 2005 FYE Annual and 5 Year Plan
Miguell del Campillo, Executive Director of the Housing Authority of the City of Miami Beach gave
a summary briefing of the 2005 FYE Annual and 2005-2009 Year Plan. The following are comments given by
the advisory board and residents*

Response to Administrative Changes

Concurred with changes.

Physical Improvements

Concurred with proposed improvements.

Improvements 2005-2009

Concurred with proposed improvements.

Other Issues & General Comments/Questions

See following attachment:

PUBLIC HEARING

HACMB 5-Year Plan for 2005-09 and 2005 Annual Plan

Friday, March 4, 2005 10:00 a.m.
Rebecca Towers North Multipurpose Room
200 Alton Road, Miami Beach, FL 33139

HACMB staff present at the public hearing were:

Miguell del Campillo, Executive Director
Orlando Prendes, Director of Housing Programs
Scott Krutchik, Acting Finance Director
Vashtye Leon, Section 8 Manager
Anna Jaime, Asset Manager

Miguell del Campillo served as moderator. The hearing started at 10:00 a.m.

Speaker 1: Philip de la Roza, Member of Section 8 Resident Council

- Mr. De la Roza read into the record a letter he would like HACMB to mail to program participants relaying information on the Section 8 Resident Council. He also stated there was little participation of Section 8 participants in the Resident Council due to either their personal issues in attending meetings or feelings that the Council can not help them. He feels that a more active participation of HACMB staff in promoting the Resident Council will increase tenant participation.

HACMB Response: HACMB interacts regularly with the Section 8 Resident Council. The letter presented to HACMB staff has been reviewed on several occasions with Mr. De la Roza and members of the Section 8 Resident Council. The letter content has needed editing, and issues with the letterhead used by the Council needed to be addressed, specifically requiring that the letterhead contain current and accurate contact information before it is used for mailing. At this time, the Council has an office space located in the Rebecca Towers North building, as well as a current telephone number that has now been added to the Council's letterhead.

Speaker 2: Murray Cohen, Member of Section 8 Resident Council

- Mr. Cohen reiterated Mr. De la Roza's request that the letter done by the Section 8 Resident Council is mailed to program participants as soon as possible.

HACMB Response: See previous response regarding Section 8 Council letter.

After meeting with the Resident Advisory Board, Mr. Cohen provided a list of recommended changes to the 5-year plan. They are:

- Page 6, Goal Seven – Questioned the length of time stated to establish a HACMB Web-site (December 31, 2005).

HACMB Response: The MIS Department is currently in the process of developing an agency web-site. HACMB has provided a December 31, 2005 deadline to complete the web-site for the purposes of the plan, but hopes to complete it before that date.

- Page 8 – The Housing Needs Chart for Families on the Waiting List for the Public Housing Program does not provide a breakdown of families requesting efficiency units.

HACMB Response: The number of efficiency, or 0 BR units, should be listed on the chart showing the housing needs of families on the Public Housing waiting list. The chart is currently being revised by HACMB staff to include those units.

- Page 9 – The Housing Needs Chart for Families on the Waiting List for the Section 8 Tenant-Based Assistance Program does not provide a breakdown of families requesting efficiency units.

HACMB Response: The number of efficiency, or 0 BR units, is needed only for families applying for Public Housing assistance. This information is not applicable to families applying for Section 8 tenant-based housing assistance.

- Page 10, Strategy 1 – In Reference to the Selection 'Maintain or increase Section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction' they feel that the current rent freeze for renewal leases does the opposite of what the Section 8 lease-up rates are intended to do.

HACMB Response: *The HACMB Board of Commissioners is in the process of reviewing the effect of the temporary freeze on landlord rent increases. The Commission is also considering other actions HACMB may take to reduce costs in the Section 8 program, in accordance to U. S. HUD Notice PIH 2005-9 (HA) – Public Housing Agency (PHA) Flexibility to Manage the Housing Choice Voucher Program in 2005.*

- Page 25, Section B – We also question that the rent freeze in effect lowers the fair market rent.

HACMB Response: *See previous response regarding rent freeze.*

- Page 28, Section 2, Sub-Heading a – We question the maximum number of participants (26) allowed this fiscal year. We feel that this number was chosen to eliminate all Section 8 residents with the exception of the FSS program's current graduates. We feel that the homeownership program should be available on an equal basis to all Section 8 families.

HACMB Response: *The maximum number of 26 participants selected for participation is the total number of participants in the program, and not the number allowed to participate each fiscal year. HACMB's initial number of participants in the program was calculated by using 1% of the total participation in the Section 8 program. This number was approved because of the fact that the program is new and still in the development stages. In accordance with the Homeownership Plan, FSS Program participants will be the first group considered for the program because several of the families have a documented family goal of becoming homeowners, which will help them to reach their goal of self-sufficiency. These families also have escrow accounts that can be used to cover the costs of becoming a homeowner (i.e. down payments, closing costs.) However, if for some reason FSS Program participants cannot successfully participate in the Homeownership program, any HACMB Section 8 participant is welcome to participate.*

- We also question the use of the term 'families.' We wish clarification as to whether the term includes the single person.

HACMB Response: *According to 24 CFR 982.201, a "family" may be a single person or a group of persons.*

The hearing was adjourned at 11:00 a.m.

Required Attachment FL017c01 : Membership of the Resident Advisory Board or Boards

List members of the Resident Advisory Board or Boards: (If the list would be unreasonably long, list organizations represented or otherwise provide a description sufficient to identify how members are chosen.)

Rosalia Lopez, President, Rebecca South Resident Council (elected)

Address: 150 Alton Road, #1006, Miami Beach, FL 33139

Yliana Gonzalez, President, Rebecca Towers North Resident Council (elected)

Address: 200 Alton Road, #503, Miami Beach, FL 33139

Vacant, President, Blackstone Resident Council (elected)

Vacant, Section 8 Family Self-Sufficiency Program (elected)

Murray Cohen, President, Section 8 Resident Council (elected)

Address: 211 Collins Avenue, #102, Miami Beach, FL 33139

Vacant, Vice President, Section 8 Resident Council (elected)

Philip de la Roza, Secretary, Section 8 Resident Council (elected)

Address: 1611 Meridian Avenue, #23, Miami Beach, FL 33139

Norma Viera, Member at Large, Section 8 Resident Council

Address: 780 – 73rd Street, #8, Miami Beach, FL 33141

Maria Ortega, Member at Large, Section 8 Resident Council

Address: 1208 – 71 Street, #8, Miami Beach, FL 33141

Oscar Lopez, Member at Large, Section 8 Resident Council

Address: 7333 Dickens Avenue, #4, Miami Beach, FL 33141

Vacant, Member at Large, Section 8 Resident Council

PET POLICY

The following rules are established to govern the keeping of pets in and on properties owned and operated by The Housing Authority Of the City of Miami Beach (HACOMB).

Before pet's arrival, all pets must be registered with the HACOMB offices. Tenants must receive written permission to keep any animal on or about the premises. This privilege may be revoked at any time subject to HACOMB procedure, if the animal becomes destructive or a nuisance to others, or if the tenant/owner fails to comply with the following:

- (a) A maximum number of one common household pet is allowed per dwelling unit. *Household pet meaning: a domesticated animal, such as a dog, cat, bird, fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. A common household pet does not include reptiles (except turtles). If the definition conflicts with any applicable state or local law or regulation defining the pets that may be owned or kept in dwelling accommodations, State, local law or regulation shall prevail.*
- (b) Pets can not exceed a maximum of 25lbs.
- (c) Tenant must pay a \$50.00 refundable pet deposit prior to the arrival of the pet. (Deposit does not apply in the event of special needs pets). This deposit will be used in the event of needs for repairs and replacements to tenant's dwelling unit, and fumigation of tenants dwelling unit. HACOMB will return any unused portion of deposit 4-6 weeks after tenant moves or no longer keeps pet in unit.
- (d) No pet may be kept in violation of humane or health laws.
- (e) Pet is to be walked away from property to deposit waste. In the event that the animal proceeds to waste on HACOMB property, it is the owner's responsibility to comply with City of Miami Beach Ordinance No. 94-2906, § 1(4-6.14.1), 2-16-94 and properly dispose of droppings.
- (f) Tenant shall take adequate precautions to eliminate any pet odors within or around unit and maintain unit in a sanitary condition at all times
- (g) Pet owner is required to comply with applicable state and local laws or regulations on licensing and inoculation of pets, and must provide the building administration with a copy at annual recertification time.
- (h) Pets must be spayed. If such animals are not spayed and have offspring, tenant is in violation of this rule.
- (i) Pets must remain in tenant's unit unless they are on a leash and if pet is confined to a cage it must remain so.
- (j) Tenant shall not permit any disturbance by their pet, which would interfere with the quiet enjoyment of other tenants; which includes loud barking, howling, biting, scratching, chirping or other such activities.
- (k) If pets are left unattended for twenty-four (24) hours or more, the Housing Authority may enter to the unit to remove the pet and transfer it to the local SPCA. HACOMB accepts no responsibility for the pet under such circumstances.
- (l) Tenant must give a name and address of a local relative or friend who would care for the animal in the event of an emergency.
- (m) Tenant shall not alter their unit to create an enclosure for the animal
- (n) Tenant is responsible for all damages caused by their pet
- (o) Tenants who violate the above stated rules may be required to relinquish their pet within 30 days of notice and/or be subject to eviction.

CAPITAL FUND PROGRAM

FL017e01

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary				
PHA Name:		Grant Type and Number Capital Fund Program Grant No:		Federal FY of Grant:
		Replacement Housing Factor Grant No: FL1PO1750104		2004
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: 2004 <input type="checkbox"/> Final Performance and Evaluation Report				
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost
		Original	Revised	
1	Total non-CFP Funds			
2	1406 Operations			
3	1408 Management Improvements			
4	1410 Administration			
5	1411 Audit			
6	1415 Liquidated Damages			
7	1430 Fees and Costs			
8	1440 Site Acquisition	10,000		10,000
9	1450 Site Improvement			
10	1460 Dwelling Structures			
11	1465.1 Dwelling Equipment—Nonexpendable	13,702		13,702
12	1470 Nondwelling Structures	224,000		224,000
13	1475 Nondwelling Equipment			85,493
14	1485 Demolition			
15	1490 Replacement Reserve			
16	1492 Moving to Work Demonstration			
17	1495.1 Relocation Costs			
18	1499 Development Activities			

Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary

PIIA Name:		Grant Type and Number Capital Fund Program Grant No:		Federal FY of Grant: 2004	
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: 2004 <input type="checkbox"/> Final Performance and Evaluation Report		Replacement Housing Factor Grant No: FL1PO1750104			
Summary by Development Account		Total Estimated Cost		Total Actual Cost	
Line No.		Original	Revised	Obligated	Expended
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 - 20)	247,702			
22	Amount of line 21 Related to LBP Activities			247,702	85,493
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security - Soft Costs				
25	Amount of Line 21 Related to Security - Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages**

PHA Name: The Housing Authority of the City of
Miami Beach

Grant Type and Number

Capital Fund Program Grant No: FL1PO1750104
Replacement Housing Factor Grant No:

Federal FY of Grant: 2004

[illegible]

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule**

[illegible]

Capital Fund Program Five-Year Action Plan

Part II: Supporting Pages—Work Activities

[illegible]

[illegible]

CAPITAL FUND PROGRAM

FL017f01

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary									
PHA Name:		Grant Type and Number Capital Fund Program Grant No:		Replacement Housing Factor Grant No: FL14PO1750105		Federal FY of Grant: 2005			
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies		<input type="checkbox"/> Revised Annual Statement (revision no:)							
<input type="checkbox"/> Performance and Evaluation Report for Period Ending: 2005		<input type="checkbox"/> Final Performance and Evaluation Report							
Line No.		Summary by Development Account		Total Estimated Cost		Total Actual Cost			
				Original	Revised	Obligated	Expended		
1	Total non-CFP Funds								
2	1406 Operations								
3	1408 Management Improvements								
4	1410 Administration								
5	1411 Audit								
6	1415 Liquidated Damages								
7	1430 Fees and Costs								
8	1440 Site Acquisition		10,000		10,000				
9	1450 Site Improvement								
10	1460 Dwelling Structures								
11	1465.1 Dwelling Equipment—Nonexpendable		13,702		13,702				
12	1470 Nondwelling Structures								
13	1475 Nondwelling Equipment		224,000		207,843				
14	1485 Demolition								
15	1490 Replacement Reserve								
16	1492 Moving to Work Demonstration								
17	1495.1 Relocation Costs								
18	1499 Development Activities								

Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary

PHA Name:

Grant Type and Number

Capital Fund Program Grant No:

Replacement Housing Factor Grant No: FL14PO1750105

Federal FY of Grant:
2005

☐ Original Annual Statement ☐ Reserve for Disasters/ Emergencies ☐ Revised Annual Statement (revision no:)
☐ Performance and Evaluation Report for Period Ending: 2005 ☐ Final Performance and Evaluation Report

Summary by Development Account

Total Estimated Cost

Total Actual Cost

Line No.		Original	Revised	Obligated	Expended
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	247,702	231,545		
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages**

PHA Name: The Housing Authority of the City of
Miami Beach

Grant Type and Number

Capital Fund Program Grant No: FL14PO1750105

Federal FY of Grant: 2005

[illegible]

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule**

[illegible]

Capital Fund Program Five-Year Action Plan

Part I: Summary

Part I: Summary

[illegible]

Capital Fund Program Five-Year Action Plan

Part II: Supporting Pages—Work Activities

[illegible]

[illegible]

**Certification by State or Local Official of PHA Plans Consistency with
the Consolidated Plan**

I, Jorge M. Gonzalez the City Manager certify
that the Five Year and Annual PHA Plan of the Housing Authority of City of Miami Beach is
consistent with the Consolidated Plan of City of Miami Beach prepared
pursuant to 24 CFR Part 91.

Signed / Dated by Appropriate State or Local Official

RESOLUTION TO BE SUBMITTED

Condensed Title:

A resolution authorizing the City Manager to issue a Certificate of Consistency with the City's Consolidated Plan to the City's Neighborhood Services Department Office of Community Services to utilize funds from U.S. Department of Housing and Urban Development (HUD) to provide outreach and case management services to homeless individuals in Miami Beach.

Key Intended Outcome Supported:

Reduce the number of homeless.

Issue:

Shall the City authorize the City Manager to issue a Certificate of Consistency with the Consolidated Plan to Office of Community Services to be submitted as part of an application for funds from HUD.

Item Summary/Recommendation:

The City's Office of Community Services has requested a Certification of Consistency with the City's Consolidated Plan as part of an application for funds from the U.S. Department of Housing and Urban Development (HUD). This division has applied for and received funding through the Miami-Dade County Homeless Trust Super NOFA process for homeless outreach since 2002. The Office of Community Services has submitted an application to the Miami-Dade County Homeless Trust (Homeless Trust) for a grant to provide outreach and case management services to homeless individuals in Miami Beach for a one-year period. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Advisory Board Recommendation:

N/A

Financial Information:

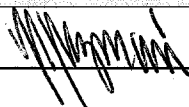
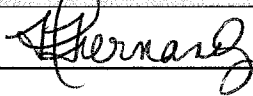

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> OBPI	1	N/A		
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Vivian P. Guzmán

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMI BEACH

AGENDA ITEM C7E
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: *[Signature]* Jorge M. Gonzalez, City Manager

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE CITY'S NEIGHBORHOOD SERVICES DEPARTMENT, OFFICE OF COMMUNITY SERVICES TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO PROVIDE OUTREACH AND CASE MANAGEMENT SERVICES TO HOMELESS INDIVIDUALS IN MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City's Neighborhood Services Department, Office of Community Services (OCS) is requesting a Certification of Consistency with the City's Consolidated Plan as part of an application for funds from the HUD. The Office of Community Services has submitted an application for funding for outreach, case management, and shelter services to homeless individuals in Miami Beach for a one-year period.

Since 2002, the Office of Community Services has applied for and received funding through the Miami-Dade County Homeless Trust Super NOFA process to provide outreach and assessment to Miami Beach homeless. OCS has responded to a request for applications issued by the Homeless Trust, which provides HUD funds for homeless services. HUD requires that applicants for funding obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the activity is to be located for each application. In accordance with the Consolidated Plan adopted by the City on July 30,

2003, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

The documentation submitted by the Office of Community Services describing the proposed activities has been reviewed and was found to be consistent with the City's Consolidated Plan. The Consolidated Plan identifies long-term objectives in Chapter 4, "Five Year Strategy." Under the Homelessness Strategy (Continuum of Care), pages 4-12 through 4-15, the Plan assigns a high priority to assisting homeless individuals. Additionally, the Plan also identifies case management within the gaps analysis as a high priority in the Continuum of Care.

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the City's Neighborhood Services Department, Office of Community Services to utilize funds provided directly by the HUD to provide outreach and case management services to homeless individuals in Miami Beach.



HMF/VPG/TU/EJB

F:\NEIGHSG-CD\EDWARD\Certification of Consistency\2006\CMB\Homeless comm memo 2006.doc

RESOLUTION TO BE SUBMITTED

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

A Resolution establishing April 2006 as "Fair Housing Month" in the City of Miami Beach.

Key Intended Outcome Supported:

Increase access to workforce or affordable housing.

Issue:

Shall the City Commission establish April 2006 as "Fair Housing Month"?

Item Summary/Recommendation:

The City annually celebrates "Fair Housing Month" by adopting a Resolution, holding a "Fair Housing Workshop", and by placing advertisements in local newspapers describing the housing rights of residents and providing a telephone number for aggrieved persons to file complaints. The Administration recommends approving the resolution establishing April 2006 as "Fair Housing Month" in the City of Miami Beach.

Advisory Board Recommendation:

N/A

Financial Information:


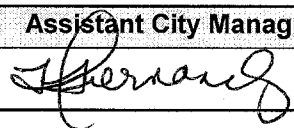

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 50px; margin-bottom: 5px;"></div> OBPI	1			
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Vivian P. Guzman

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2006\apr1106\consent\FH-MTH2006-Sum.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM:  Jorge M. Gonzalez, City Manager

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING APRIL 2006 AS "FAIR HOUSING MONTH" IN THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

In April of each year, the U.S. Department of Housing and Urban Development (HUD) commemorates the signing of the Federal Fair Housing Law on April 11, 1968, with special "Fair Housing Month" celebration activities.

As a recipient of HUD Community Planning and Development Program funds (CDBG, HOME, and ESG), the City of Miami Beach is responsible for supporting and encouraging the effort and commitment within the community to provide fair housing opportunities for all.

As required by U.S. HUD, in July of 1995, the City certified that it would affirmatively further Fair Housing efforts. Toward this end, the City sponsored HOPE, Inc. in the preparation of an Analysis of the Impediments to Fair Housing Choice, in association with Miami-Dade County and the Cities of Miami and Hialeah. U.S. HUD has presented the City with a Certificate of Appreciation in recognition of its efforts to promote Fair Housing for all residents and for incorporating the Analysis of Impediments into its Fair Housing Planning Strategy. During the past year, a series of Fair Housing Seminars were held to familiarize both landlords and tenants with the City's fair housing policy, including the City's Human Rights Ordinance, and state and federal Civil Rights legislation.

The City annually celebrates "Fair Housing Month" by adopting a Resolution and by placing advertisements in local newspapers describing the housing rights of residents and providing a telephone number for aggrieved persons to file complaints. These advertisements have assisted citizens in understanding their rights regarding fair housing issues.

The Administration recommends that the Mayor and City Commission adopt the attached Resolution establishing April 2006 as "Fair Housing Month" in the City of Miami Beach.

JMG//VP/PG/TU

T:\AGENDA\2006\apr1106\consent\FH-MTH2006-MEM.doc

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING
APRIL 2006 AS "FAIR HOUSING MONTH" IN THE CITY OF
MIAMI BEACH**

WHEREAS, the strength of our nation, and all its states and cities, flows from the promise of individual equality and freedom of choice; and

WHEREAS, the anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, during the month of April, is an occasion for all Americans, individually and collectively, to rededicate themselves to the principle of freedom of choice and to participate in efforts to eliminate vestiges of housing discrimination wherever they exist, as this law guarantees for each citizen that critical, personal element of freedom of choice in the selection of their home; and

WHEREAS, fair housing is the policy of the City of Miami Beach, and the implementation of that policy requires the positive commitment, involvement and support of each one of our citizens; and

WHEREAS, the departments and agencies of the City of Miami Beach are to provide leadership in the effort to make fair housing not just an idea, but an ideal for all our citizens; and

WHEREAS, barriers that diminish the rights and limit the options of any citizen will ultimately diminish the rights and limit the options of all.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Clerk hereby establish April 2006 as "Fair Housing Month," and the Mayor and City Commission ask that the people of this City join in reaffirming the obligation and commitment to fair housing opportunities for all.


PASSED and ADOPTED this _____ day of _____, 2006.

MAYOR
David Dermer

ATTEST:

CITY CLERK
Robert Parcher

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 3-21-06

City Attorney
Murray H. Dubbin Date

Condensed Title:

A Resolution authorizing the Mayor and City Clerk to execute the attached HOME Investment Partnerships (HOME) Program Agreement with the Miami Beach Community Development Corporation (MBCDC), providing \$300,000 of HOME Program Set-Aside funds for the rehabilitation of the Westchester Apartments, located at 516 15th Street, Miami Beach, to provide 24 rental units for income eligible participants in accordance with the HOME Program requirements; further, approving a one time only assignment of this Agreement to MBCDC: Westchester Apartments, LLC, a not for profit entity created by MBCDC as a successor in interest in title to the property located at 516 15th Street, and under this Agreement.

Key Intended Outcome Supported:

Increase Access to workforce or affordable housing.

Issue:

Shall the City enter into a HOME Program Agreement which provides \$300,000 of HOME Program Set-Aside funds for the rehabilitation of the Westchester Apartments, located at 516 15th Street, Miami Beach, to provide 24 rental units for income eligible participants in accordance with the HOME Program requirements?


Item Summary/Recommendation:

MBCDC has expended \$500,000, of its \$800,000, FY 2004/05 HOME CHDO Set-Aside funds for the acquisition of Villa Maria Apartments; there remains a balance of \$300,000, of Set-Aside Funds. On March 6, 2006, MBCDC requested \$300,000 of HOME Program Set-Aside funds toward the cost of rehabilitation of the Westchester Apartments, located at 516 15th Street to provide 24 rental units for income-eligible participants in accordance with the HOME Program requirements. Total funding for this project, from all sources (City of Miami Beach, City of Miami, Miami-Dade County and private bank financing), amounts to \$4,060,075. The renovation cost for the 12,760 square foot project is \$2,101,160 which comes to \$165 per square foot or \$87,548 per unit. The request was favorably reviewed by Administration and recommended for funding.

Advisory Board Recommendation:

On March 31, 2006, the Loan Review Committee (LRC) reviewed and recommended approval by the City Commission for MBCDC to be awarded funds toward the cost of rehabilitation of the Westchester Apartments, located at 516 15th Street to provide 24 rental units for income-eligible participants in accordance with the HOME Program requirements.

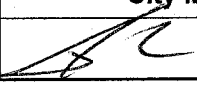
Financial Information:

Source of Funds:		Amount	Account	Approved
 OBPI	1	\$300,000	151-5233- 000349	
	2			
	3			
	4			
	Total	\$300,000		

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Vivian P. Guzmán

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2006\apr1106\consent\300k CR Westchester Summary.doc



MIAMI BEACH

AGENDA ITEM C76
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *For JMG [Signature]*

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AGREEMENT WITH THE MIAMI BEACH COMMUNITY DEVELOPMENT CORPORATION (MBCDC), PROVIDING \$300,000 OF FISCAL YEAR 2004/05 HOME PROGRAM SET- ASIDE FUNDS, FOR THE REHABILITATION OF THE WESTCHESTER APARTMENTS, LOCATED AT 516 15TH STREET, MIAMI BEACH, TO PROVIDE 24 RENTAL UNITS FOR INCOME-ELIGIBLE PARTICIPANTS IN ACCORDANCE WITH THE HOME PROGRAM REQUIREMENTS; FURTHER, APPROVING A ONE-TIME ONLY ASSIGNMENT OF THIS AGREEMENT TO MBCDC: WESTCHESTER APARTMENTS, LLC, A NOT-FOR-PROFIT ENTITY CREATED BY MBCDC AS A SUCCESSOR IN INTEREST IN TITLE TO THE PROPERTY LOCATED AT 516 15TH STREET, AND UNDER THIS AGREEMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Miami Beach Community Development Corporation (MBCDC) through City Commission approval, Resolution No. 2003-25259, granted MBCDC's request to purchase the Westchester Apartments, located at 516 15th Street, Miami Beach, utilizing \$1,007,473 in HOME Program funds previously allocated to MBCDC, to acquire and rehabilitate the Westchester Apartments (the Project) (\$207,473 from FY 01/02 and the \$800,000 from FY 02/03). Additional funding for this project was provided as follows:

On April 20, 2005, the City Commission approved Resolution No. 2005-25864, which awarded \$298,218 of HOME NOFA funds to MBCDC, for the rehabilitation of the Project, and approved and consented to a one-time only assignment of MBCDC's rights and obligations for the Project to MBCDC: Westchester Apartments LLC.

On December 20, 2005, the City Commission approved Resolution No. 2005-25864, which awarded \$522,493 of HOME NOFA program funds to be used for rehabilitation of the Project.

MBCDC is the designated CHDO for Miami Beach. A CHDO is a private nonprofit, community-based service organization whose primary purpose is to provide and develop

decent, affordable housing for the community it serves. Certified CHDOs receive certification indicating that they meet certain HOME Program requirements and therefore are eligible for HOME funding. MBCDC receives an annual set-aside of \$800,000 for certification as our local CHDO. MBCDC has expended \$500,000 of its \$800,000 FY 2004/05 HOME CHDO Set-Aside funds for the acquisition of Villa Maria Apartments; there remains a balance of \$300,000 of Set-Aside funds. MBCDC has requested these funds for the rehabilitation of the Project.

The property contains a three-story Mediterranean revival structure built in 1926, which is listed as having 10,420 square feet, according to County tax rolls. The square footage, after renovations and actual measurement will be 12,760. The building currently is configured into 30 apartments, of which six are one-bedroom units and 24 are efficiency units. In accordance with the report from the architect, Arthur J. Marcus Architect P.A., the 24 efficiency units were reconfigured to comply with the City's average square foot planning and zoning requirement for residential units. Therefore, the resulting reconfiguration will be approximately 12 one-bedroom apartment units and 12 efficiency units. The units will be rented to income-eligible participants qualifying under the HOME Program requirements.

The proposed scope of work, based on a preliminary evaluation, included the following: reconstruction of the front porch with side wing walls and historic façade renovation, repairs of spalled concrete, roof repairs and reconstruction of fire damaged roof area, new windows and doors, exterior paint, repair and replace deteriorated wood structural members, new non-load bearing construction with new mechanical, electrical, plumbing and fire sprinkler systems. In order to comply with ADA requirements, MBCDC is planning to request a waiver for the accessibility ramps because of insufficient space. However, MBCDC will comply with all other ADA requirements. The building is vacant and no tenants will be relocated.

Total funding for this project, from all sources (City of Miami Beach, City of Miami, Miami-Dade County, and private bank financing), amounts to \$4,060,075. The renovation cost for the 12,760 square foot project is \$2,101,160 which comes to \$165 per square foot or \$87,548 per unit.

On March 31, 2006, the Loan Review Committee reviewed MBCDC's request for \$300,000 of HOME Set-Aside funds for the Project, and has recommended approval by the City Commission to award HOME Program Set-Aside funds in the full requested amount of \$300,000.

The administration recommends that the Mayor and City Commission authorize the Mayor and City Clerk to execute the attached HOME Investment Partnerships (HOME) Program Agreement with the Miami Beach Community Development Corporation (MBCDC) providing \$300,000 of Fiscal Year 2004/05 HOME Program Set-Aside funds, for the rehabilitation of the Westchester Apartments, located at 516 15th Street, Miami Beach, to provide 24 rental units for income-eligible participants in accordance with the HOME Program requirements; further, approving a one-time only assignment of this agreement to MBCDC: Westchester Apartments, LLC, a not-for-profit entity created by MBCDC as a successor in interest in title to the property located at 516 15th Street, and under this Agreement.

HMF/MP/TU/EJB

T:\AGENDA\2006\apr1106\consent\300k Westchester comm memo.doc

My Home

Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Digital Orthophotography - 2005

0 110 ft

This map was created on 4/4/2006 4:11:34 PM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Close

Summary Details:

Folio No.:	02-3234-002-1920
Property:	516 15 ST
Mailing Address:	MBCDC WESTCHESTER APT LLC 945 PENNSYLVANIA AVE MIAMI BEACH FL 33139-5482

Property Information:

Primary Zone:	3900 MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL
CLUC:	0003 MULTIFAMILY- APARTMENTS
Beds/Baths:	30/30
Floors:	3
Living Units:	30
Adj Sq Footage:	10,420
Lot Size:	6,000 SQ FT
Year Built:	1936
Legal Description:	LINCOLN SUB PB 9-69 LOT 2 BLK 74 LOT SIZE 60.000 X 100 OR 20932-4858 1202 1 COC 21506-3960 08 2003 1

Sale Information:

Sale O/R:	21506-3960
Sale Date:	8/2003
Sale Amount:	\$1,200,000

Assessment Information:

Year:	2005	2004
Land Value:	\$480,000	\$330,000
Building Value:	\$610,000	\$100,000
Market Value:	\$1,090,000	\$430,000
Assessed Value:	\$1,090,000	\$430,000
Total Exemptions:	\$1,090,000	\$0
Taxable Value:	\$0	\$430,000

RESOLUTION TO BE SUBMITTED

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

A Resolution approving an Interlocal Agreement with Miami-Dade County for a Computerized Parking Ticket Issuing System, and authorizing the Mayor and City Clerk to execute the Agreement.

Key Intended Outcome Supported:

Process improved through Information Technology.
Improve parking availability.

Issue:

Shall an Interlocal Agreement be executed between the City of Miami Beach and Miami-Dade County?

Item Summary/Recommendation:

The Administration recommends that the Mayor and City Commission approve the Interlocal Agreement.

Miami-Dade County's Parking Violations Bureau (PVB) is a County agency operated through the Clerk of the Courts Office responsible for the collection, processing, and adjudication of parking fines for all municipalities in Miami-Dade County. Their functions include accounting and processing of all parking citations; adjudication through the Clerk of the Courts; and collection and disbursement of revenues derived from parking fines.

In coordination with all Miami-Dade County municipalities, in 1996, the County spearheaded an effort to acquire a computerized parking ticket issuing system. Via the competitive bid process, the County procured the services of Enforcement Technologies, Inc., more commonly known in the industry as "E-Tech", who has been the vendor in place since the inception of the system. The attached inter-local agreement has been in place for two successive five year terms. The City's Parking Department has utilized this system since its inception and it has been a very useful tool in our parking enforcement operations. E-Tech will provide hardware and software, via Miami-Dade County Parking Violations Bureau, to the City, at no additional expense. The Computerized Parking Ticket Issuing System provides state-of-the-art technology for parking enforcement services. This technology virtually eliminates all illegibility or issuer errors, which will translate into increased collections. Also, productivity, scofflaw, and stolen vehicle enforcement is enhanced. There are various upgrades to the handheld units that will further enhance the existing system. These enhancements are scheduled to be implemented later this year. They include a digital camera to capture still photos of violations as well as audio recording capabilities to assist the officer in capturing testimony and/or physical/verbal abuse. Moreover, the handheld unit itself will be more ergonomically designed to enhance the officer's use of the unit. This will result in a physically smaller parking citation (3" x 6"). Existing citations are 4" x 8" in size.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	N/A		
2			
3			
4			
Total			


OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Saul Frances, Parking Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2006\apr1106\consent\IPVBINTER.SUMM.doc



MIAMI BEACH

AGENDA ITEM

DATE

C7H

4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR A COMPUTERIZED PARKING TICKET ISSUING SYSTEM, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS:

Miami-Dade County's Parking Violations Bureau (PVB) is a County agency operated through the Clerk of the Courts Office responsible for the collection, processing, and adjudication of parking fines for all municipalities in Miami-Dade County. Their functions include accounting and processing of all parking citations; adjudication through the Clerk of the Courts; and collection and disbursement of revenues derived from parking fines.

In coordination with all Miami-Dade County municipalities, in 1996, the County spearheaded an effort to acquire a computerized parking ticket issuing system. Via the competitive bid process, the County procured the services of Enforcement Technologies, Inc., more commonly known in the industry as "E-Tech", who has been the vendor in place since the inception of the system. The attached inter-local agreement has been in place for two successive five year terms. The City's Parking Department has utilized this system since its inception and it has been a very useful tool in our parking enforcement operations.

E-Tech will provide hardware and software, via Miami-Dade County Parking Violations Bureau, to the City, at no additional expense. The Computerized Parking Ticket Issuing System provides state-of-the-art technology for parking enforcement services. This technology virtually eliminates all illegibility or issuer errors, which will translate into increased collections. Also, productivity, scofflaw, and stolen vehicle enforcement is enhanced. There are various upgrades to the handheld units that will further enhance the existing system. These enhancements are scheduled to be implemented later this year. They include a digital camera to capture still photos of violations as well as audio recording capabilities to assist the officer in capturing testimony and/or physical/verbal abuse. Moreover, the handheld unit itself will be more ergonomically designed to enhance the officer's use of the unit. This will result in a physically smaller parking citation (3" x 6"). Existing citations are 4" x 8" in size.

The following is a summary of the provisions of the Inter-local Agreement:

Article One - Responsibilities of the County:

1. Implement and maintain a county wide Computerized Parking Ticket Issuing System.
2. Provide Maintenance and Service to the system.
3. Provide support staff to operate the system (seven days a week/12 hours a day).
4. Designate a "Project Manager" who will be responsible for contract administration of the system.

Article Two - Responsibilities of the City:

1. Accept from the County and utilize the Computerized Parking Ticket Issuing System.
2. Maintain all functional records and accounts that relate to the system.
3. Care and protect all equipment issued by the County for which the City receives custody.
4. Maintain and operate all components of the system in full compliance with all operational manuals, rules, and regulations of the County, and the terms and conditions of the County's Agreement with Enforcement Technologies, Inc.
5. Notify the County immediately regarding the mechanical failure of any components of the system.
6. Accept the County's authority and responsibility for administering the contract on behalf of the City with the Contractor and allow the County to be the City's technical representative for the System.

Article Three - Financing:

The County is solely responsible for the financing of the Computerized Parking Ticket Issuing System.

Article Four - Right to Offset

The County reserves the right to offset any sums due the City from any source whatsoever in an amount equal to the County's costs, expenses and loss revenue, as determined by the County.

Article Five - Cancellation

The County determines, in its sole discretion, to discontinue the program in whole or in part, by giving the City ninety (90) days advance notice. However, the County shall not discontinue the program in Miami Beach unless the County is discontinuing the program in one or more other municipalities. If the County permits any other municipality to withdraw from this program, then the City of Miami Beach shall have the right to cancel this agreement by giving the County 90 days written notice.

Article Six - Correspondence

All correspondence related to this agreement must be in writing and shall only be considered delivered when done so by certified mail.

Article Seven - Settlement of Disputes

The Clerk of Courts shall be the Administrator of this agreement and shall decide all questions, difficulties, and disputes, of whatever nature.

Article Eight - Terms of the Agreement

The duration of this Agreement shall be for an initial period of three (3) years, and automatically renewable for successive terms of one (1) year unless the Agreement is terminated by the County in its sole discretion.

Article Nine - Assignments

The City's obligations hereunder are not assignable.

Article Ten - Complete Agreement

No representations or warranties shall be binding upon either party unless expressed in writing herein.

CONCLUSION:

The execution of this Inter-local Agreement between the County and the City will continue the current service levels and provide citizens with the best possible parking enforcement services supported by state-of-the-art technology. The Administration recommends that the Mayor and City Commission approve the Inter-local Agreement and authorize the Mayor and City Clerk to execute the Agreement.

JMG/RCM/SF

RESOLUTION TO BE SUBMITTED

Condensed Title:

Declaration of a parking emergency during specified dates of the respective events outlined below to be utilized for self-parking and valet parking. The Administration further recommends authorizing the City Manager to require parking operators to secure the appropriate insurance and Occupational Licenses required by the City Code to operate self-parking and/or valet parking operations for this purpose.

Key Intended Outcome Supported:

Improve parking availability/maintain and improve traffic flow.

Issue:

Whether to declare a parking emergency during specified events and dates outlined below for vacant surface lots to be utilized for self-parking and valet parking?

Item Summary/Recommendation:

During certain events throughout the year, severe parking demand leads to mobility problems and ultimately gridlock on our City's roadway system. This fact has been experienced during various events including, Boat Show, Auto Show, Memorial Day Weekend, and New Year's Eve. The creation of additional parking opportunities for tourists and visitors to the City during high impact events, coupled with an enhanced park and ride circulator program alleviates mobility challenges and gridlock anticipated during these high impact events. This legislation will allow for private parking operators to utilize and operate vacant surface lots that might otherwise not be allowed to be used for surface parking during these events. This will create additional parking opportunities for the public at-large during these high impact events.

The following is a listing of the events and their respective anticipated dates.

Event	Dates
South Florida Auto Show	October 6-15, 2006
Art Basel	December 6-10, 2006
New Year's Eve	December 31, 2006 – January 1, 2007
Art Miami	January 4-8, 2007
Art Deco Weekend	January 12-14, 2007
Graphics of the Americas	January 26-28, 2007
Superbowl Weekend	January 29 – February 4, 2007
NMMA International Boat Show	February 15 -19, 2007
Memorial Day Weekend	May 24 - 28, 2007
Labor Day Weekend	August 31 – September 3, 2007

THE ADMINISTRATION RECOMMENDS THE ADOPTION OF THE RESOLUTION.

Advisory Board Recommendation:

N/A

Financial Information:




Source of Funds:	1	Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 50px; margin-bottom: 5px;"></div> OBPI	1	N/A		
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Saul Frances, Parking Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMIBEACH

AGENDA ITEM

C7I

DATE

4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *JMG*

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DECLARING THE EXISTENCE OF A PARKING EMERGENCY WITH RESPECT TO INCREASED TRAFFIC AND PARKING DEMAND ON THE FOLLOWING RESPECTIVE DATES FOR THE FOLLOWING RESPECTIVE EVENTS; OCTOBER 6-15, 2006 FOR THE SOUTH FLORIDA AUTO SHOW; DECEMBER 6-10, 2006 FOR ART BASEL; DECEMBER 31, 2006 – JANUARY 1, 2007 FOR NEW YEAR'S EVE EVENT; JANUARY 4-8, 2007 FOR ART MIAMI; JANUARY 12-14, 2007 FOR ART DECO WEEKEND; JANUARY 26-28, 2007 FOR GRAPHICS OF THE AMERICAS; JANUARY 29 - FEBRUARY 4, 2007 FOR SUPERBOWL WEEKEND; FEBRUARY 15-19, 2007 FOR THE NMMA MIAMI INTERNATIONAL BOAT SHOW; MAY 24-28, 2007 FOR MEMORIAL DAY WEEKEND; AND AUGUST 31 – SEPTEMBER 3, 2007 FOR LABOR DAY WEEKEND; ALLOWING FOR THE USE OF SPECIFIED VACANT SURFACE LOTS CITYWIDE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

During certain events throughout the year, severe parking demand leads to mobility problems and ultimately gridlock on our City's roadway system. This fact has been experienced during various events including, Boat Show, Auto Show, Memorial Day Weekend, and New Year's Eve. The creation of additional parking opportunities for tourists and visitors to the City during high impact events, coupled with an enhanced park and ride circulator program alleviates mobility challenges and gridlock anticipated during these high impact events. This legislation will allow for private parking operators to utilize and operate vacant surface lots that might otherwise not be allowed to be used for surface parking during these events. This will create additional parking opportunities for the public at-large during these high impact events.

The following is a listing of the events and their respective anticipated emergency dates.

Event	Dates
South Florida Auto Show	October 6-15, 2006
Art Basel	December 6-10, 2006
New Year's Eve	December 31, 2006 - January 1, 2007
Art Miami	January 4-8, 2007
Art Deco Weekend	January 12-14, 2007
Graphics of the Americas	January 26-28, 2007
Superbowl Weekend	January 29 - February 4, 2007
NMMA International Boat Show	February 15-19, 2007
Memorial Day Weekend	May 24-28, 2007
Labor Day Weekend	August 31 - September 3, 2007

CONCLUSION

The Mayor and City Commission should approve the declaration of a parking emergency during the specified dates of the respective events outlined above to be utilized for self-parking and valet parking. The Administration further requests that the Mayor and City Commission authorize the City Manager to require parking operators to secure the appropriate insurance and Occupational Licenses required by the City Code to operate self-parking and/or valet parking operations for this purpose.

JMG/RCM/SF

T:\AGENDA\2005\APR112006\CONSENT\PARKINGEMERGENCY0607.CME.doc

RESOLUTION TO BE SUBMITTED

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

Donation of Microchip Scanner to the Miami Beach Police Department.

Key Intended Outcome Supported:

Increase community satisfaction with City services.

Issue:

Shall the City Commission approve the Resolution to accept the donation of \$250 to purchase a universal microchip scanner for the Miami Beach Police Department?

Item Summary/Recommendation:

Randy Gumenic, a resident of Miami Beach has graciously offered to donate \$250 to the Miami Beach Police Department (MBPD) for the purchase of a universal scanner to scan lost or stolen animals with embedded microchips. Microchip technology as a means to track pet owners, has been in existence since the 1990's, and has led to the recovery of thousands of pets. Since this time, there has been a steady increase in the number of pet owners having the microchip implanted in their pets.

A handheld scanner is utilized to scan the animal for the microchip which is normally implanted under the skin between the shoulder blades. Each microchip has contact information that will link the animal to the registered owner when scanned. Often times, lost or stolen cats or dogs come to the attention Miami Beach police officers in the course of their public safety efforts. With access to the scanner by MBPD personnel, the reuniting of the animal with an implanted microchip and the owner will be expedited. The scanner will be kept secured at the Property and Evidence Unit which is staffed seven days a week, twenty-four hours a day. Depending on the circumstances, the animal could be brought to the MBPD headquarters building or arrangements made to bring the scanner to the location of the animal.

Advisory Board Recommendation:

N/A

Financial Information:

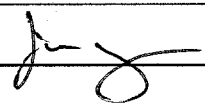
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> OBPI	1			
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Michael Gruen, Planning and Research Manager

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2006\apr1106\consent\Commission Item Summary Microchip.doc



MIAMI BEACH

 AGENDA ITEM
DATE

 C7J
4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY COMMISSION TO ACCEPT THE DONATION OF \$250 FROM RANDY GUMENIC, A MIAMI BEACH RESIDENT, FOR THE PURCHASE OF A UNIVERSAL MICROCHIP SCANNER TO THE MIAMI BEACH POLICE DEPARTMENT, WHICH WILL BE UTILIZED TO REUNITE LOST AND STOLEN PETS WITH THEIR OWNERS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Randy Gumenic a resident of Miami Beach has graciously offered to donate \$250 to the Miami Beach Police Department (MBPD) for the purchase of a universal scanner to scan lost or stolen animals which have embedded microchips. Microchip technology as a means to track pet owners has been in existence since the 1990's, and has led to the recovery of thousands of pets. Since this time, there has been a steady increase in the number of pet owners having the microchips implanted in their pets.

A handheld scanner is utilized to scan the animal for the microchip which is normally implanted under the skin between the shoulder blades. Each microchip has contact information that will link the animal to the registered owner when scanned. Often times, lost or stolen cats or dogs come to the attention of Miami Beach police officers in the course of their public safety efforts. With access to the scanner, the reuniting of the animal with an implanted microchip and the owner will be expedited. The scanner will be kept secured at the Property and Evidence Unit which is staffed 7 days a week 24 hours a day. Depending on the circumstances, the animal could be brought to the MBPD headquarters building or arrangements made to bring the scanner to the location of the animal.

DWD/PS/MG

T:\AGENDA\2006\apr1106\consent\Commission Memorandum Microchip Scanner.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK TO ACCEPT THE DONATION OF \$250 FROM RANDY GUMENIC, A MIAMI BEACH RESIDENT, FOR THE PURCHASE OF A HANDHELD UNIVERSAL MICROCHIP SCANNER FOR THE MIAMI BEACH POLICE DEPARTMENT, WHICH WILL BE UTILIZED TO REUNITE LOST AND STOLEN PETS WITH THEIR OWNERS.

WHEREAS, in the course of their patrol duties Miami Beach Police Department Patrol Division personnel come in contact with lost or stolen cats and dogs;

WHEREAS, Mr. Randy Gumeric a resident of the City of Miami Beach wishes to donate \$250 for the Miami Beach Police Department to purchase a universal microchip scanner; and

WHEREAS, universal microchip scanners are used to scan a lost or stolen pet animal with an implanted microchip with contact information to link the animal with the owner; and

WHEREAS, microchip technology as a means to track pet owners, has been in existence since the 1990's, and there has been a steady increase in the number of pet owners who have had their pets implanted with microchips, which has led to the recovery of thousands of pets; and

WHEREAS, with access to the scanner, by MBPD personnel the reuniting of a pet animal with an implanted microchip and the owner will be expedited;

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the donation of \$250 from Randy Gumeric to the MBPD for the purchase of a universal microchip scanner is hereby accepted.

PASSED and ADOPTED this _____ day of _____, 2006

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Signature] 3-2-06
City Attorney Date
KC

Condensed Title:

A Resolution accepting the donation of \$15,000 worth of surveillance equipment from Mr. Lewis Nadel.

Key Intended Outcome Supported:

Maintain crime rates at or below national trends.

Issue:

Shall the City of Miami Beach Commission adopt the Resolution?

Item Summary/Recommendation:

Lewis Nadel is the Director of the National Intelligence Academy located at 11840 N.W. 41 Street, Coral Springs, Florida. The National Intelligence Academy specializes in surveillance products and law enforcement training. In the furtherance of crime prevention, Mr. Nadel has graciously agreed to donate to the Miami Beach Police Department a mobile video surveillance system to include: (1) Canon digital video camera with zoom lens and tripod (1) Sony video cassette recorder, and (1) KEC 6.4" TFT LCD monitor model LTM54 for a total value of \$15,000. This mobile equipment will be utilized to conduct covert surveillance of persons suspected of participating in criminal activity.

The Administration recommends the Mayor and City Commission adopt the Resolution and accept the donation to the Miami Beach Police Department.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

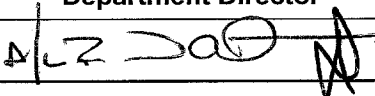
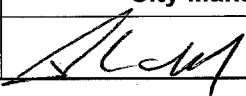
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Michael Gruen, Miami Beach Police Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager For JMG *[Signature]*

DATE: April 11, 2006

SUBJECT: **A RESOLUTION ACCEPTING THE DONATION OF A MOBILE VIDEO SYSTEM TO INCLUDE A VIDEO CAMERA, MONITOR AND CASSETTE RECORDER; A TOTAL VALUE OF \$15,000 TO THE MIAMI BEACH POLICE DEPARTMENT, FROM MR. LEWIS S. NADEL; THIS EQUIPMENT WILL BE UTILIZED FOR CRIMINAL INVESTIGATIONS REQUIRING COVERT SURVEILLANCE IN AN EFFORT TO REDUCE CRIME.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Lewis Nadel is the Director of the National Intelligence Academy, located at 11840 N.W. 41 Street, Coral Springs, Florida. The National Intelligence Academy specializes in surveillance products and law enforcement training. In the furtherance of crime prevention, Mr. Nadel has graciously agreed to donate to the Miami Beach Police Department a mobile video surveillance system to include: (1) Canon digital video camera with zoom lens and tripod, (1) Sony video cassette recorder, and (1) KEC 6.4" TFT LCD monitor model LTM54 for a total value of \$15,000. This mobile equipment will be utilized to conduct covert surveillance of persons suspected of participating in criminal activity.

The Administration recommends that the Mayor and City Commission adopt the Resolution and accept the donation to the Miami Beach Police Department.

DWD/RAM/MG

T:\AGENDA\2006\apr1106\consent\Commission Memorandum Surveillance Equipment.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE DONATION OF A MOBILE VIDEO SYSTEM TO INCLUDE A VIDEO CAMERA, MONITOR, AND CASSETTE RECORDER; A TOTAL VALUE OF \$15,000 TO THE MIAMI BEACH POLICE DEPARTMENT, FROM MR. LEWIS S. NADEL. THIS EQUIPMENT WILL BE UTILIZED FOR CRIMINAL INVESTIGATIONS REQUIRING COVERT SURVEILLANCE IN AN EFFORT TO REDUCE CRIME.

WHEREAS, the Miami Beach Police Department's primary mission is the prevention of crime and to ensure public safety in the City of Miami Beach through high profile patrol, community oriented policing, and covert prevention operations; and

WHEREAS, Lewis S. Nadel is the Director of the National Intelligence Academy located at 11840 N.W. 41 Street, Coral Springs, Florida. The National Intelligence Academy specializes in surveillance products and law enforcement training. In the furtherance of crime prevention, Mr. Nadel has graciously agreed to donate a video camera, monitor, and cassette recorder to the City for use by the Miami Beach Police Department; and

WHEREAS, the mobile video surveillance equipment will be utilized to conduct covert surveillance of persons suspected of participating in criminal activity in the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the donation of a video camera, monitor, and cassette recorder for a total value of \$15,000 from Lewis Nadel to be utilized by the Miami Beach Police Department for covert surveillance.

PASSED and ADOPTED this _____ day of _____, 2006.

MAYOR

ATTEST:

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

CITY CLERK



City Attorney 3/27/06
Date

Condensed Title:

A Resolution Accepting the City Manager's Recommendation Relative to the Ranking of Firms Pursuant to a Request for Qualifications (RFQ) No. 08-05/06 for Professional Architectural and Engineering Services for Design, Permitting and Construction Management of the Atlantic Greenway Network "Beachwalk II" Project.

Key Intended Outcome Supported:

- Improve traffic flow conditions.
- Ensure Well-Designed Quality Capital Projects

Issue:

Shall the City Commission adopt the Resolution?

Item Summary/Recommendation:

The City of Miami Beach is planning to develop a series of bicycle/pedestrian/greenway projects to be known as the Atlantic Greenway Network (AGN). The Atlantic Greenway Network is made up of two main trail systems; the Beach Corridors, which extend in a general northbound/southbound direction, running between the erosion control line and the dune system; and the Neighborhood Trails, which extend in a general east-west as well as north-south directions through the south, middle, and north beach neighborhoods. Individual projects will be constructed to create a continuous trail network allowing for alternative transportation and community enhancement.

The "Beachwalk II" project will establish a southern link between Lummus Park and South Point Park. Beachwalk II will be a 0.6 mile (approximately 3,100 feet) path running North-South, west of the dune system and east of Ocean Drive.

RFQ No. 08-05/06 for A/E services for the Beachwalk II was issued on December 12, 2005 with an opening date of January 27, 2006. A pre-proposal conference to provide information to firms considering submitting a response was held on January 12, 2006. BidNet issued bid notices to 116 prospective proposers, resulting in 49 proposers requesting the RFQ document, which resulted in the receipt of the following three (3) proposals:

- Behar-Ybarra & Associates of Florida, Inc.;
- BEA International; and
- Coastal Systems International, Inc.

As per Section 287.055, Florida Statutes, known as the Consultants' Competitive Negotiation Act (CCNA), the Evaluation Committee appointed by the City Manager, ranked the top three (3) firms as follows:

- 1) Coastal Systems International, Inc.
- 2) BEA International
- 3) Behar-Ybarra & Associates of Florida, Inc.

ACCEPT THE CITY MANAGER'S RECOMMENDATION AND AUTHORIZE NEGOTIATIONS.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
OBPI	Total			

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Gus Lopez, ext 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL _____ FB <i>[Signature]</i>	RCM <i>[Signature]</i>	JMG <i>[Signature]</i>

T:\AGENDA\2006\apr1106\consent\RFQ08-05-06-BeachwalkII\SUmmary.doc



MIAMI BEACH

AGENDA ITEM C7L
DATE 4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *For JMG [Signature]*

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF QUALIFICATIONS RECEIVED PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 08-05/06, FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR DESIGN, PERMITTING AND CONSTRUCTION MANAGEMENT OF THE ATLANTIC GREENWAY NETWORK "BEACHWALK II" PROJECT, FOR THE CITY OF MIAMI BEACH; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF COASTAL SYSTEMS INTERNATIONAL, INC.; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF BEA INTERNATIONAL; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED FIRM, FURTHER AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE THIRD-RANKED FIRM OF BEHAR-YBARRA & ASSOCIATES OF FLORIDA, INC.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach is planning to develop a series of bicycle/pedestrian/greenway projects to be known as the Atlantic Greenway Network (AGN). The Atlantic Greenway Network is made up of two main trail systems; the Beach Corridors, which extend in a general northbound/southbound direction, running between the erosion control line and the dune system; and the Neighborhood Trails, which extend in a general east-west as well as north-south directions through the south, middle, and north beach neighborhoods. Individual projects will be constructed to create a continuous trail network allowing for alternative transportation and community enhancement.

The "Beachwalk II" project will establish a southern link between Lummus Park and South Pointe Park. Beachwalk II will be a 0.6 mile (approximately 3,100 feet) path running North-South; west of the dune system and east of Ocean Drive. The purpose of the Beachwalk II project is to create a multi-purpose public access corridor, within a public easement, which runs along the western edge (upland side) of the sand dunes, immediately east of the beachfront properties, in the City's South Beach District. The corridor will interconnect area business districts, cultural & tourism centers, residential neighborhoods, parking facilities, parks, schools and the beaches.

Beachwalk II will be developed in a "Greenway" or linear park setting to accentuate the area's natural resources, historical architecture and cultural heritage. Additional objectives of the project includes physical improvements to support multimodal transportation, link bicycle and pedestrian destinations, increase pedestrian and bicycle safety, improve trail network connectivity, eliminate barriers that prevent bicycle trips, and develop future bikeway corridors. This is a component of a City-wide initiative to increase pedestrian and bicycle facilities to offer residents alternative transportation choices in efforts to improve traffic flow.

Development of Beachwalk II will involve the creation of a fifteen foot wide, on-grade, paved, bicycle/pedestrian trail, along the western edge of the sand dunes from 5th Street to South Pointe Drive. The trail will connect with the area dune cross-overs (public beach access ways), area street-ends and access ways from the private developments which front along the corridor. The site will serve to connect Lummus Park with South Pointe Park in the South Beach District and connections to Ocean Drive will also be provided at appropriate locations along the trail. Development of the trail will also include, turtle friendly lighting, environmental education signage, landscaping indicator plaques, drinking fountains, beach showers, limited drainage and irrigation, substantial native landscaping along the corridor, and restoration and enhancement of the existing landscaping on the sand dune areas adjacent to the corridor.

Trail connections into Lummus Park and Marjory Stoneman Douglas Park will be developed as part of the project. Amenities will include bike racks, educational displays, and way-finding signage.

The Beachwalk, from 14th Street to 21st Street, was designed and built using concrete pavers, and has been successfully received by the community. The existing Beachwalk set a precedent for the use of concrete pavers for walkways constructed east of the Coastal Construction Control Line (CCCL).

Beachwalk II will be built with a similar design to the Beachwalk. A public involvement process will be included to ensure the inclusion of all affected agencies and stakeholders. This will include a work shop with local residents, and as part of the Florida Department of Environmental Protection permits process, there will be a period of time for public comment.

The Beachwalk II is funded by \$1 million dollars in Transportation Enhancement Project (TEP) Funds and will be augmented with \$3.6 million in South Pointe Redevelopment Agency (RDA) Funds. A Local Agency Program (LAP) agreement has already been executed with the Florida Department of Transportation for the TEP funds and will expire in September 2007.

On December 7, 2005, the Mayor and City Commission authorized the issuance of Request for Qualifications (RFQ) No. 08-05/06, to obtain qualifications from professional consulting firms to provide Architectural and Engineering Services for design, permitting and construction management services for the Atlantic Greenway Network, "Beachwalk II" project, for the City of Miami Beach.

RFQ No. 08-05/06 was issued on December 12, 2005 with an opening date of January 27, 2006. A pre-proposal conference to provide information to firms considering submitting a response was held on January 12, 2006. BidNet issued bid notices to 116 prospective proposers, resulting in 49 proposers requesting the RFQ document, which resulted in the receipt of the following three (3) proposals from:

- Behar-Ybarra & Associates of Florida, Inc.
- BEA International
- Coastal Systems International, Inc.

The City Manager via Letter to Commission (LTC) No. 025-2006, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Jordanna Rubin, Environmental Resources Manager, City of Miami Beach (Chair);
- Thomas Mooney, Preservation and Design Manager, Planning Department;
- Maria Echeverry, Transportation Manager; City of Miami Beach
- John Oldenberg, Parks and Recreation Department, City of Miami Beach;
- Gabrielle Redfern, CMP Bikeways Committee Member, Resident;
- Melissa Keeley, South Beach Resident, Leadership Academy Graduate; and
- Tui Munday, South Beach Resident, Leadership Academy Graduate

On March 6, 2006, the Committee convened for its meeting. Committee members John Oldenberg, Tui Munday and Maria Echeverry were unable to attend the meeting. The City Manager then added Luiz Rodrigues, Resident. All three firms that submitted proposals were invited to provide a presentation with a Question and Answer session following each presentation.

The Committee was provided information on the scope of the project by Jordanna Rubin, Environmental Resources Manager, City of Miami Beach (Chair), and staff from the City's Procurement Division.

Additionally, the Committee discussed the following Evaluation Criteria, which was used to evaluate and rank the respondents:

- A. The experience, qualifications and (portfolio) of the Principal Firm (10 points);
- B. The experience, qualifications and (portfolio) of the Project Manager (15 points);
- C. The experience and qualifications of the professional personnel assigned to the Project Team (10 points);
- D. Willingness to meet time and budget requirements as demonstrated by past performance (5 points);
- E. Certified disadvantaged business enterprise (DBE) participation, either the Prime Consultant or the sub-Consultant team may qualify for proof of DBE certification. Accepted DBE certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County (5 points);
- F. Location (5 points);
- G. Recent, current, and projected workloads of the firms (5 points);
- H. The volume of work previously awarded to each firm by the City (15 points);
- I. Project Implementation Strategy to comply/meet with the expedited timeframe described in this RFQ and demonstrated successful similar projects (15 points);
- J. Demonstrated success in leading active collaborative stakeholder processes to achieve consensus on program and design in similar size and scope projects based on budget and size (15 points).

In addition to the evaluation of proposals and Consultant presentations, the Committee was briefed on the "Best Value Procurement" model by Ms. Sarah A. Goodrich Director, PIPS Coordinator, Department of Construction Management, College of Engineering at Florida International University. Best Value Procurement is an innovative concept that results in the selection of high performing contractors, firms, consultants, and vendors. A Best Value Procurement process maximizes efficiency; increases performance; minimizes risk; and identifies obstacles that cause low efficiency and poor performance. Each Project Manager

from each firm was interviewed and was asked to provide a schedule of activities, describe each activity and provide any risk associated with each of the milestones. After interviewing all three firms, each Committee member voiced their analysis of each firm and proceeded to rank all three firms.

The following matrix chart outlines the scores for each firm by each Committee Member.

Committee Member:	Jordanna Rubin (Chair)	Thomas Mooney	Gabrielle Redfern,	Melissa Keeley	Luiz Rodrigues
Consultant:					
Coastal Systems International, Inc.	87 (1)	92 (1)	93 (1)	86 (1)	90 (2)
BEA International	73 (3)	72 (2)	44 (2)	69 (2)	96 (1)
Behar-Ybarra & Associates of Florida, Inc.	82 (2)	70 (3)	40 (3)	40 (3)	83 (3)

As per Section 287.055, Florida Statutes, known as the Consultants' Competitive Negotiation Act (CCNA), the Committee ranked no less than three (3) firms.

LEGEND:

Coastal Systems International, Inc.	4-1st place votes	=	4x1=4
	1-2nd place vote	=	1x2=2
	TOTAL	=	6 = Ranked 1st
BEA International	1-1st place votes	=	1x1=1
	3-2nd place vote	=	3x2=6
	1-3rd place vote	=	1x3=3
	TOTAL	=	10=Ranked 2nd
Behar-Ybarra & Associates of Florida, Inc.	0-1st place votes	=	0x1=0
	1-2nd place vote	=	1x2=2
	4-3rd place vote	=	4x3=12
	TOTAL	=	14=Ranked 3 rd

The firm of Coastal Systems International, Inc. (Coastal Systems) was deemed to be the first ranked firm based on the experience and qualifications of their team. The Coastal Systems team have worked together successfully on similar projects. Coastal Systems has a demonstrated track record and is proud of past successful project completions for the City of Miami Beach. Specific project representations for the City of Miami Beach include the recent Beachwalk which included the design and environmental coastal permitting for the pedestrian path extending north from Lummus Park to 21st Street. This project encompassed many technical disciplines, including dune restoration, coastal /civil/electrical engineering, landscape architecture, marine turtle lighting and construction administration/management. The Construction of the Beachwalk was completed in 2005.

Coastal Systems has proposed a team comprised of several highly specialized firms. Park master planning, electrical engineering and survey firms are disciplines represented on the team.

Coastal Systems has worked with all of these firms on past projects. Based on the scope of services outlined in the RFQ, the Administration will determine, during negotiations, whether all of the services being proposed by Coastal Systems are required. The City reserves the right to approve or disapprove of any sub-consultants.

Coastal Systems will offer the following to the City of Miami Beach:

- 20 years of professional experience in South Florida, Caribbean and the Americas;
- Assigned experienced staff who are able to meet the project demands and schedules within the required budget;
- All team members have worked together before on successful project completions;
- Past and present high profile project experience gathered through the continuous projects performed throughout South Florida;
- Assist the City, as required, with public involvement events to build consensus and support for the project
- Develop realistic project schedule that meets the City's needs and includes sufficient time for reviews and our in-house quality control procedures

RELATED EXPERIENCE PROJECT MANAGER

Timothy K. Blankenship, P.E.

Mr. Blankenship will be the proposed Project Manager for Coastal Systems. Mr. Blankenship is located in Coastal System's Miami office. He will serve as the single point-of-contact for the City under this contract, and he will be responsible for directing all sub-consultants. He will meet with the City to define the scope of services for the contract, and then allocate resources to meet the schedule of deliverables. He will track budgets along with the work progress for the duration of the project.

Mr. Blankenship has over 12 years of engineering experience, with more than eight years of project management experience. He has served as project manager of several Florida state, county and municipal contracts, including the following:

City of Miami
Hillsboro Inlet
City of Miami Beach
Miami-Dade DERM
Village of Key Biscayne
Martin County
Palm Beach County
Florida DEP State Parks

The following references were secured by the Procurement staff for Coastal Systems, they are as follows:

Mr. Stephen Bogner, Project Manager
City of Miami

"I am very satisfied with the levels of service and professionalism received from Coastal Systems International"

Mr. Joseph Herdon, Project Director
Flagstone Property Group
Miami, Florida

"Very satisfied and will award Coastal Systems International future projects"

Mr. Joe Doto, Project Coordinator
Walt Disney World
Lake Buena Vista, Florida

"Coastal Systems has performed well and fits the needs of our company over the past years. Overall they are professional and process extensive knowledge base on permitting"

CONCLUSION

The Administration recommends approval of the attached Resolution accepting the recommendation of the City Manager pertaining to the Ranking of Qualifications received pursuant to Request for Qualifications (RFQ) No.08-05/06 for Professional Architectural and Engineering Services for Design, Permitting and Construction Management of the Atlantic Greenway Network "Beachwalk II" Project; authorizing the Administration to enter into negotiations with the top-ranked Firm of Coastal Systems International, Inc.; and should the Administration not be able to negotiate an Agreement with the Top-Ranked Firm, Authorizing the Administration to negotiate with the second ranked firm of BEA International; and should the Administration not be able to negotiate an agreement with the Second-Ranked firm, further Authorizing the Administration to negotiate with the Third-Ranked Firm of Behar-Ybarra & Associates of Florida, Inc.

T:\AGENDA\2006\apr1106\consent\RFQ08-05-06-BeachwalkIIMemo.doc

RESOLUTION TO BE SUBMITTED

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

A resolution opposing house bill 1199 and House Joint Resolution 7247.

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term; and Enhance external/internal communications from and within the City.

Issue:

Shall the City oppose efforts in the Legislature that would eliminate local cable franchises and a proposal to limit local government expenditure growth?

Item Summary/Recommendation:

The Florida House of Representatives is considering a bill (HB 1199), which proposes to eliminate local government cable franchising. The bill is designed to allow the phone companies to obtain state certificates of service without any negotiation or approval by local communities. Further, the bill would allow existing franchisees to terminate franchises once a competitor has obtained a franchise and/or state certificate.

On Friday, March 31, the House Finance and Tax Committee filed a Committee Bill (HJR 7247), which proposes the creation of Section 19 to Article VII of the State Constitution to limit the expenditures of counties and municipalities by general law. If approved by the voters, the Legislature would have the ability to set a limitation for annual expenditure growth, which growth must equal or exceed the growth in Florida personal income. As drafted, the bill provides that the limitation may be waived if:

1. The Governor declares an emergency;
2. The electors of the county or municipality approve the additional expenditures by referendum; or
3. The additional expenditures are approved by a supermajority vote of the governing body of the county or municipality.

Given the negative consequences of the legislation described above, the Administration recommends that the Mayor and City Commission approve the attached resolution, for transmittal to the City's elected officials, contract lobbyists, and the Florida League of Cities.

Advisory Board Recommendation:

N/A

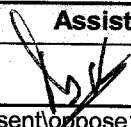
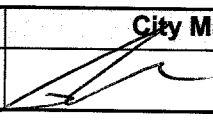
Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
OBPI	Total		
Financial Impact Summary:			

City Clerk's Office Legislative Tracking:

Kevin Crowder, Economic Development

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2006\apr1106\consent\oppose1199-SUM.doc



MIAMIBEACH

AGENDA ITEM

C7M

DATE

4-11-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

For JMG [Signature]

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FL, OPPOSING HOUSE BILL 1199 AND THE PROPOSED ELIMINATION OF LOCAL CABLE FRANCHISES; FURTHER OPPOSING HOUSE JOINT RESOLUTION 7247 PROPOSING AMENDMENTS TO THE STATE CONSTITUTION TO LIMIT THE EXPENDITURES OF COUNTIES AND MUNICIPALITIES.**

Administration Recommendation

Approve the Resolution.

Background

House Bill 1199

The Florida House of Representatives is considering a bill (HB 1199), which proposes to eliminate local government cable franchising. The bill is designed to allow the phone companies to obtain state certificates of service without any negotiation or approval by local communities. Further, the bill would allow existing franchisees to terminate franchises once a competitor has obtained a franchise and/or state certificate.

Some of the benefits and services that are currently provided through the franchising process include education and government access channels, equipment, capital grants, customer service, and system upgrades. Many, if not all of these benefits are at risk under the proposed legislation.

At this point, there is not a companion bill in the Senate, and Senate President Tom Lee stated in the Lakeland Ledger that "while I recognize that there needs to be a change because you now have competing technologies for cable customers, it may take us a little while to get our hands around how to do that. As these technologies blend together, you want to have a competitively level playing field, but how to create that overnight is a pretty complex puzzle to solve."

In addition to opposition by the Florida League of Cities and the Florida Association of Counties, the cable industry also opposes the bill. These entities are requesting that the Legislature step back and spend some time investigating the issue and allowing the various stakeholders time to negotiate a compromise, similar to the process used to reform the communication tax a few years ago.

House Joint Resolution 7247

On Friday, March 31, the House Finance and Tax Committee filed a Committee Bill (HJR 7247), which proposes the creation of Section 19 to Article VII of the State Constitution to limit the expenditures of counties and municipalities by general law. If approved by the voters, the Legislature would have the ability to set a limitation for annual expenditure growth, which growth must equal or exceed the growth in Florida personal income. As drafted, the bill provides that the limitation may be waived if:

1. The Governor declares an emergency;
2. The electors of the county or municipality approve the additional expenditures by referendum; or
3. The additional expenditures are approved by a supermajority vote of the governing body of the county or municipality.

Many Florida communities, especially those such as Miami Beach which attract a significant number of visitors, experience service level demands that far exceed the demands of communities that do not have tourism, and changes to this demand for service does not correspond to growth in Florida personal income. If passed and approved by the voters, the proposal could have a significant impact on the ability of the City of Miami Beach to provide service to our residents and visitors.

Conclusion

Given the negative consequences of the legislation described above, the Administration recommends that the Mayor and City Commission approve the attached resolution, for transmittal to the City's elected officials, contract lobbyists, and the Florida League of Cities.

JMG/HF/kc
T:\AGENDA\2006\apr1106\consent\oppose1199.doc

RESOLUTION TO BE SUBMITTED

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

Agreement between City of Miami Beach, Florida and Bay Lights Development, Company for Rue Granville Seawall Replacement.

Key Intended Outcome Supported:

Ensure Well-Maintained Infrastructure.

Issue:

Shall the Mayor and City Commission approve the agreement between the City of Miami Beach and Bay Lights Development, Company for the Rue Granville Seawall replacement?

Item Summary/Recommendation:

Bay Lights Development Company is the owner of a parcel of land abutting a streetend in the City of Miami Beach named Rue Granville. The City property includes the land between Bay Drive and Biscayne Bay and the existing seawall and much of the submerged bay bottom in Biscayne Bay as has been granted to the City by the State of Florida.

The seawall at the southern point of Rue Granville is in a state of disrepair and in need of replacement. While it is the responsibility of the City to maintain and or replace the seawall, the City does not have funds budgeted that will permit the replacement of the seawall immediately.

The Bay Lights Development Company proposes to construct a multi-unit residential condominium apartment building on the land adjacent to the City's streetend. It is the desire of, and in the best interest of the developer, that the seawall be completed prior to construction of the condominium. As a result, the developer has requested and the City has agreed to permit the developer to replace the seawall at developer's sole cost and expense subject to the approval by the City of all plans and specifications and all contracts for the replacement and construction of a new seawall.

The Bay Lights Development Company and the City have negotiated the attached agreement for the replacement and repair of the Rue Granville Seawall.

Administration recommends approving the agreement.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
FHB <i>FHB</i>	RM <i>RM</i>	JMG <i>JMG</i>

T:\AGENDA\2006\apr1106\consent\granville seawall summary.doc



MIAMI BEACH

AGENDA ITEM C7N
DATE 4-11-06



COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *For JMG [Signature]*

DATE: April 11, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED AGREEMENT BETWEEN CITY OF MIAMI BEACH, FLORIDA AND BAY LIGHTS DEVELOPMENT COMPANY FOR RUE GRANVILLE SEAWALL REPLACEMENT, SUBJECT TO FINAL APPROVAL BY THE CITY MANAGER AND CITY ATTORNEY, AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE SUCH ACTIONS AS MAY BE NECESSARY TO CARRY OUT THE INTENT HEREOF.**

Administrative Recommendation

Adopt the Resolution.

Analysis

Bay Lights Development Company is the owner of a parcel of land abutting the Rue Granville streetend in the City of Miami Beach. The City property includes the land between Bay Drive and Biscayne Bay and the existing seawall and much of the submerged bay bottom in Biscayne Bay as has been granted to the City by the State of Florida.

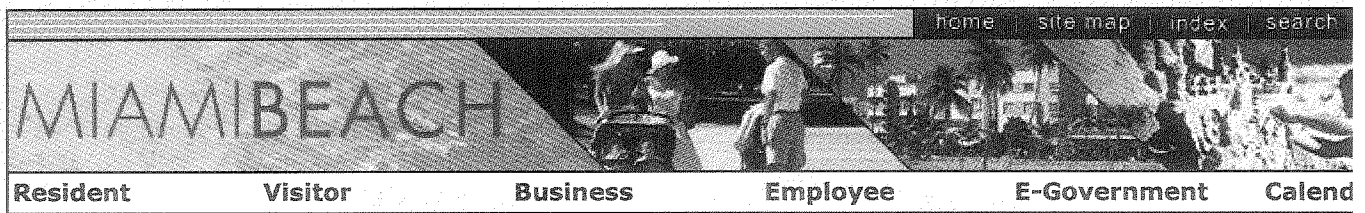
In 2002, a City-wide survey was conducted to determine the condition of 99 seawalls and bulkheads within the City of Miami Beach. All have been prioritized according to condition and location. Seventy-five (75) seawalls are in need of repair. The seawall at the southern point of Rue Granville is in a state of disrepair and in need of replacement. While it is the responsibility of the City to maintain and or replace the seawall, the City does not have funds budgeted that will permit the City to replace the seawall immediately.

The Bay Lights Development Company proposes to construct a multi-unit residential condominium apartment building on the land adjacent to the city's streetend. It is the desire of, and in the best interest of the developer, that the seawall be completed prior to construction of the condominium. As a result, the developer has requested and the City has agreed to allow the developer to replace the seawall at the developer's sole cost and expense subject to the approval by the City of all plans and specifications and all contracts for the replacement and construction of a new seawall.

The developer and the City have negotiated the attached agreement, including a provision that after construction of the seawall, the developer shall have no special right or interest in or to the seawall and the City shall, to the extent permitted by the State of Florida, own and control the seawall. The developer and City have set forth in the agreement their respective rights and obligations and the conditions under which the City will permit the developer to construct the seawall.

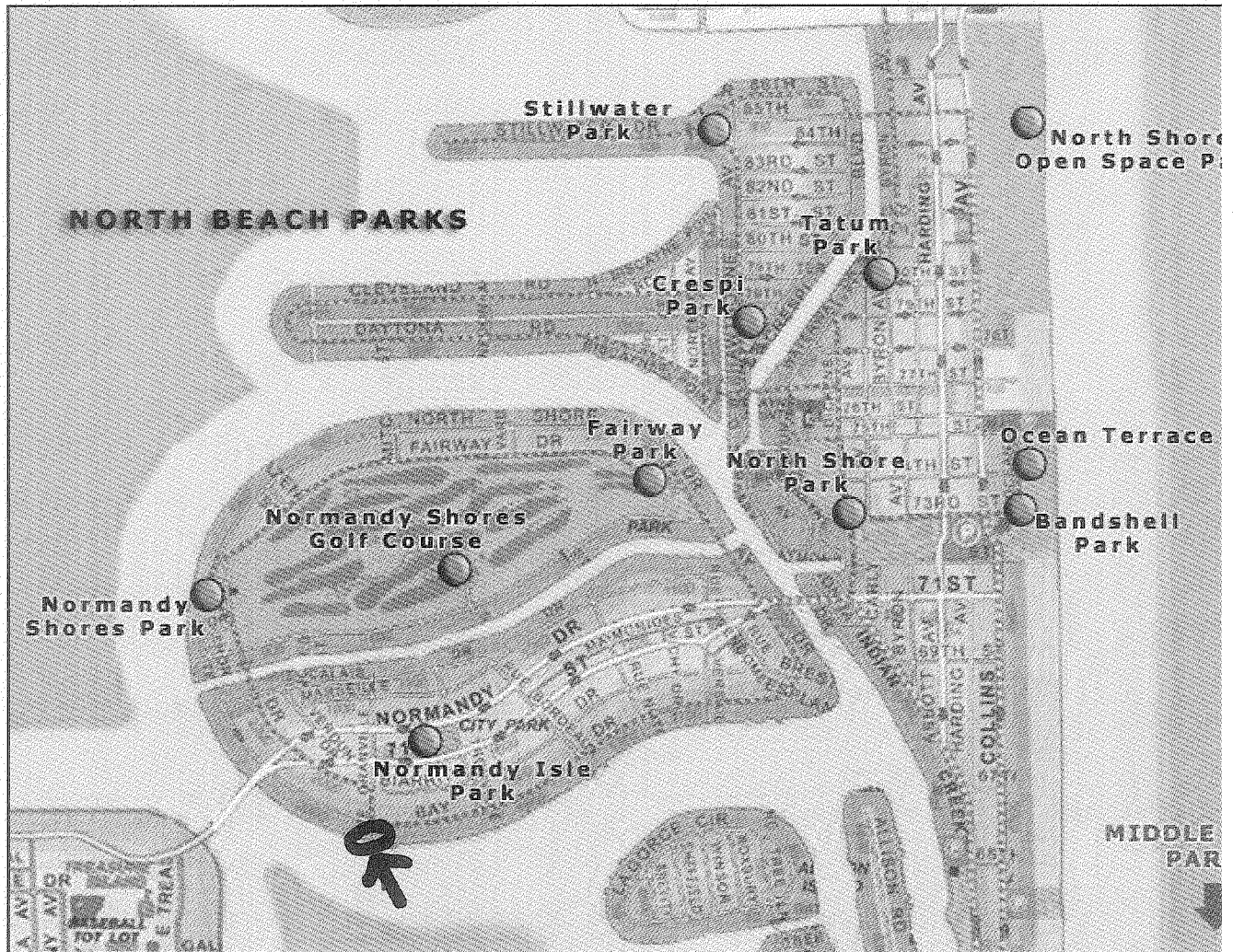
JG\RM\FHB\BH\FV\jzr

J:\AGENDA\2006\apr1106\consent\granville seawall memo.doc



PARKS & RECREATION

North Beach Parks & Recreational Facilities



Facility Directory - Addresses, Phone Numbers & Additional Information

Middle Beach Parks

South Beach Parks

Parks & Recreation - Main Page

AGREEMENT

Between

CITY OF MIAMI BEACH, FLORIDA

and

BAY LIGHTS DEVELOPMENT, CO.

for

RUE GRANVILLE SEAWALL REPLACEMENT

THIS AGREEMENT (Agreement) is entered into as of this _____ day of _____, 2006 (the "**Commencement Date**") by and between the **CITY OF MIAMI BEACH, FLORIDA** (the "**City**"), a municipal corporation duly organized and existing under the laws of the State of Florida, and **BAY LIGHTS DEVELOPMENT, CO.**, a Florida corporation, successors and assigns (**Developer**).

RECITALS:

WHEREAS, Developer is the owner of that certain parcel of real property located in the City of Miami Beach, Miami-Dade County, Florida, legally described on **Exhibit "A"** attached hereto and made a part hereof (the "**Land**") and City is the owner by dedication of that certain street in the City of Miami Beach abutting the Land, named **RUE GRANVILLE**, including that portion of the street between Bay Drive and Biscayne Bay (the "**Street-end**") and the existing seawall (the "**Seawall**") and so much of the submerged bay bottom in Biscayne Bay as has been granted to the City by the State of Florida; and

WHEREAS, the Seawall is in a state of disrepair and in need of replacement; and

WHEREAS, Developer intends to construct a multi-unit residential condominium apartment building (the "**Condominium**") on the Land; and

WHEREAS, it is the desire of and in the best interest of the Developer, that the Seawall be rebuilt at the earliest possible date to coincide with the development of the Condominium and to compliment the Condominium; and

WHEREAS, while it is within the jurisdiction of the City to maintain and or replace the Seawall, the City does not have immediately available funds that will permit the City to replace the Seawall prior to completion of construction of the Condominium; and

WHEREAS, the Developer has requested and the City has agreed to permit the Developer to replace the Seawall at Developer's sole cost and expense (the "**Work**") subject to the approval by the City of all plans and specifications and all contracts for the replacement and construction of a new Seawall; and

WHEREAS, the Developer and the City (individually a "**Party**" and jointly the "**Parties**") agree that after construction of the Seawall in a manner and to the extent acceptable to the City, the Developer shall have no special right or interest in or to the Seawall and the City shall, to the extent permitted by the State of Florida, own and control the Seawall; and

WHEREAS, the Parties intend to set forth herein their respective rights and obligations and the conditions under which the City will permit the Developer to construct the Seawall.

NOW, THEREFORE, it is hereby mutually covenanted and agreed by and between the parties hereto that this Agreement is made upon the terms, covenants, conditions and considerations hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged.

1. **Recitations.** The foregoing recitations are true and correct and incorporated into this agreement.

2. **Contract For Replacement and Construction of Seawall.** Subject to the approval and consent of the City and the terms and conditions set forth herein, the Developer shall enter into a contract (the "**Contract**") with **Southern Marine Construction, Inc.** (the "**Contractor**") for the construction and installation of a new Seawall at the end of Rue Granville in the City, as shown on the site plan attached hereto as **Exhibit "A"** at the sole cost and expense of the Developer. A copy of the Contract, which is subject to the approval of the City, is attached hereto as **Exhibit "B"** and made a part hereof. No work or improvements except as specifically set forth in the Contract shall be permitted in conjunction with the Seawall or on land abutting the Seawall without first obtaining the written consent of the City.

3. **Third Party Beneficiary.** Developer and City agree and acknowledge that City is an intended third party beneficiary in the Contract. The Developer shall therefore submit its agreement with Contractor to the City for its review and approval prior to the Contractor commencing any work provided for under the Contract. Additionally, Developer herein represents to City that its Agreement with Contractor shall incorporate the terms and conditions of this Agreement and the Contract Documents, and Developer shall assume sole and absolute responsibility for binding Contractor to same as if Contractor were a party to this Agreement.

4. **Permits and Licenses.** The Developer and or the Contractor shall have sole responsibility for applying for and obtaining all regulatory approvals, permits or licenses required from the City, the State of Florida and any other applicable governmental agency for the construction of the Seawall (collectively the "**Permits**") at its sole cost and expense. The City shall cooperate with all reasonable requests of Developer in respect thereof. No work shall be commenced or permitted in regard to the Seawall until all such required Permits have been obtained by the Developer and reviewed and approved by the City, which approval shall only be effective if given in writing.

5. **Management and Responsibility.** The Developer, its successors and assigns, has been authorized to coordinate and manage the Work pursuant to this Agreement, and is the person, firm or corporation liable for the acceptable performance of the Work. Developer shall be fully responsible for all acts and omissions of the Contractor and subcontractors, and of persons directly or indirectly employed by any subcontractor. Nothing in the Contract or under this Agreement shall create any contractual relationship between the Contractor or any subcontractor and City or any obligation on the part of City to pay or to see to the payment of any monies due under the Contract, or any other

contracts for performance of the Work.

6. **Commencement and Completion of the Work.** Time is of the essence throughout this Agreement. Immediately upon the execution of this Agreement by the Parties, the Developer shall instruct the Contractor to commence all work and efforts to obtain all necessary plans and permits to commence and proceed with the Work and the Developer and the Contractor shall proceed diligently, using their best efforts to complete the Work at the earliest possible Date. Developer shall at its expense (a) commence the Work on or before sixty (60) days after all permits and approvals necessary for the commencement of the Work are issued, reviewed and approved by the City (the Construction Commencement Date), and (b) thereafter continue to prosecute construction of the Work with diligence and continuity to completion. Prior to commencement of the Work, Developer shall submit to City a construction and completion schedule for approval. If, after Developer has commenced construction, Developer fails to diligently prosecute construction of the Work (subject to unavoidable delays), in accordance with such schedule, and such failure continues for thirty (30) consecutive days after Developer's receipt of written notice of such failure from City, the City shall, in addition to all of its other remedies under this Agreement, have the right to take such action as it determines in its reasonable discretion necessary to complete the Work in a proper and timely manner at Developer's cost and expense. The Developer shall also be responsible to assure that the quality of the Work is in compliance with the Permits and all applicable governmental rules, codes and regulations and generally accepted design and construction criteria and practices.

Developer shall prior to issuance of the City permits to do the Work provide a completion bond to the City in a form acceptable to the City Attorney in an amount equal to 150% of the estimated cost to do the Work. Such bond shall be callable by the City in the event the Developer fails to diligently pursue or complete the work according to the schedule provided above, and such additional periods to remedy defaults as provided for in this Agreement.

7. **Payment to Contractor.** The Developer shall make all payments due the Contractor and all other parties under and pursuant to the Contract as and when due in a timely manner. Failure of the Developer to make any such payments as and when due shall, at the option of the City, be a default under this Agreement whereupon the City shall have the right, in the event of a *bona fide* emergency or after five (5) Business Days notice, to (i) terminate the Contract and this Agreement whereupon the Contractor will terminate all further work on or at the Seawall or (ii) take over the rights and obligations of the Developer under the Contract and/or (iii) pursue any other right or action permitted under law. Notwithstanding any action taken by the City, the Developer shall not be released from any of its obligations contained herein and shall remain liable to the City and the Contractor under this Agreement and the Contract and for all monies due under the Contract as well as for any and all costs and expenses incurred by the City due to the Developer's default.

8. **Compliance With Rules and Regulations.** Developer and Contractor shall comply with all applicable laws, ordinances, rules, regulations and orders of any public body having jurisdiction for the safety of persons or property or to protect them from damage,

injury or loss; and shall erect and maintain all necessary safeguards for such safety and protection. Contractor shall notify owners of adjacent property and utilities five (5) days prior to commencement of the Work. Developer shall cause Contractor to keep the Project site and surrounding waters free from accumulation of waste materials or rubbish caused by the Work at all times. At the completion of the Work, Contractor shall remove all its waste materials and rubbish from and about the Work site and surrounding waters as well as its tools, construction equipment, machinery and surplus materials. If Contractor fails to clean up at the completion of the Work, the City may do so, and the cost thereof shall be charged to Developer.

9. **Release of the Developer.** The Developer shall advise the City in writing at such time as the Work is completed in accordance with the terms of the Contract and in a manner consistent with the Permits. The City may inspect the Work while in progress on a regular basis in the same manner and to the same extent as the City would do with any similar project for which the City contracted for (the “**Periodic Inspections**”) and the City may keep records of such inspections and its findings. The City shall notify the Developer of the results of each Periodic Inspection and if the Developer does not cause the Contractor to correct any construction deficiencies in a timely manner, then and in that event, the City shall have the right to take such action as set forth in Section 6 above. At such time as the Contractor has completed the Work in accordance with the Contract and the Permits, the Developer shall so notify the City and the City shall conduct a final inspection (the “**Final Inspection**”). If the Work is acceptable to the City upon the Final Inspection, the City shall give the Developer a final approval in writing (the “**Final Approval**”) and thereupon the Developer shall be released of its obligations hereunder except as to **Section 11** below. If the Work is not acceptable to the City, the City shall advise the Developer of the reasons therefore and the Developer shall cause the Contractor to take all such action as is necessary to obtain Final Approval from the City. This process shall continue until the City gives Final Approval to the Work. During the Final Approval process, the Developer, the Contractor and the City will work together in a professional and timely manner to accomplish the Final Approval at the earliest possible date.

10. **Contractor’s Final Affidavit.** Upon Final Approval to the Work, the Developer shall provide the City with a Contractor’s Final Affidavit in form and substance reasonably satisfactory to the City executed by the Contractor (i) evidencing that all contractors, subcontractors, suppliers and materialmen retained by or on behalf of Developer in connection with the Construction of the Work have been paid in full for all work performed or materials supplied in connection with the construction of the Work and (ii) otherwise complying with all of the requirements under the Florida Construction Lien Law, Chapter 713, Florida Statutes, as amended.

11. **Indemnification.** Developer agrees that it will indemnify, hold and save the City, their officers, agents contractors and employees whole and harmless and at City’s option defend same, from and against all claims, demands, actions, damages, loss, cost, liabilities, expenses and

judgements of any nature recovered from or asserted against City on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arising out of, or be caused by Developer, Contractor or subcontractor as a consequence of the Work.

12. **Assignment.** This Agreement shall not be assigned in whole or in part without the written consent of the City, and Developer shall not terminate, modify, amend or in any way vary the terms and conditions of the Contract without the prior written consent of the City.

13. **Interpretation.** The parties hereto acknowledge and agree that the language used in this Agreement expresses their mutual intent, and no rule of strict construction shall apply to either party hereto. The headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement. All personal pronouns used in this Agreement shall include the other gender, and the singular shall include the plural, and vice versa, unless the context otherwise requires. Terms such as "herein," "hereof," "hereunder," and "hereinafter" refer to this Agreement as a whole and not to the particular sentence, paragraph or section where they appear, unless the context requires otherwise.

14. **Strict Performance.** No failure by the City or Developer to insist upon strict performance of any covenant, agreement, term or condition of this Agreement or to exercise any right or remedy available to such party by reason of the other Party's default, shall constitute a waiver of any such default or of such covenant, agreement, term or condition or of any other covenant, agreement, term or condition. No covenant, agreement, term or condition of this Agreement to be performed or complied with by either Party, and no default by either Party, shall be waived, altered or modified except by a written instrument executed by the other Party. No waiver of any default shall affect or alter this Agreement, but each and every covenant, agreement, term and condition of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent Default. Developer's compliance with any request or demand made by the City shall not be deemed a waiver of Developer's right to contest the validity of such request or demand. This provision shall survive termination of this Agreement.

15. **Applicable Law and Venue.** This Agreement shall be enforceable in Miami-Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any or all of the terms or conditions herein, exclusive venue for the enforcement of same shall be in Miami-Dade County, Florida. BY ENTERING INTO THIS AGREEMENT, DEVELOPER AND CITY EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF THIS AGREEMENT OR THE WORK. DEVELOPER SHALL SPECIFICALLY BIND THE CONTRACTOR AND ANY AND ALL OTHER SUBCONTRACTORS TO THIS PROVISION OF THE AGREEMENT.

16. **Attorneys' Fees.** In the event of litigation concerning or arising out of this Agreement, the prevailing party shall be entitled to receive its costs and reasonable attorneys' fees, through and including all appeals, from the non-prevailing party.

17. **Conditions of Existing Seawall.** The City has made no representations herein or to the Developer or Contractor as to the condition of the existing Seawall.

18. **Notice of Defaults.** Notwithstanding anything to the contrary set forth in this Agreement, under no circumstances shall any party to this Agreement take any action to enforce any right provided in this Agreement upon a default or otherwise without giving the defaulting party five (5) business days written notice (or such longer period if so provided in this Agreement) and reasonable opportunity to cure such default, but no longer than thirty days unless agreed to in writing by the parties.

IN WITNESS WHEREOF, the parties intending to be legally bound, have executed this Agreement as of the day and year first above written.

CITY OF MIAMI BEACH , FLORIDA
a municipal corporation of the State of Florida

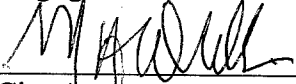
By: _____
David Dermer, Mayor

ATTEST:

Robert Parcher, City Clerk

[SEAL]

Approved as to form &
language & for execution



City Attorney

4-3-06
Dated

WITNESSES:

BAY LIGHTS DEVELOPMENT, CO.

By: _____
Print Name: _____

[CORPORATE SEAL]

STATE OF FLORIDA)
)ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____,
2006, _____, and _____, on behalf of the
corporation. They are personally known to me or produced a valid Florida driver's licenses
as identification.

My commission expires:

Notary Public, State of Florida

At Large

Print Name: _____

AGREEMENT BETWEEN
CITY OF MIAMI BEACH, FLORIDA
and
BAY LIGHTS DEVELOPMENT, CO.
for
RUE GRANVILLE SEAWALL REPLACEMENT

EXHIBITS A & B

TO BE SUBMITTED WITH A SIGNED AGREEMENT

RESOLUTION TO BE SUBMITTED

THIS PAGE INTENTIONALLY LEFT BLANK